

# MAINE STATE LEGISLATURE

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March 13, 1968

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Authority of DED to accept Federal funds under Federal Housing Act of 1954, Title VII, § 701.

**FACTS:**

In 1956 the State of Maine first applied to participate in the so-called 701 program of urban planning under the Federal Housing Act of 1954. Deputy Attorney General James Glynn Frost on March 19, 1956 authored an opinion stating that the laws of the State of Maine permitted the Department of Development of Industry and Commerce (the statutory predecessor of the Department of Economic Development) to make such application. This opinion has been updated from time to time at the request of Federal officials (see, e.g., opinions of this office dated June 22, 1956; November 1, 1963; July 27, 1965, and March 10, 1966) and another "update" has been requested.

**QUESTION:**

Is the Department of Economic Development qualified to act as an applicant for Federal Assistance to local planning under the Federal Housing Act of 1954, Title VII, § 701?

**ANSWER:**

Yes, until April 26, 1968. Thereafter, the proper department to make such application on behalf of the State will be the State Planning Office.

**OPINION:**

For the source of DED's authority to apply for and accept Federal funds under the cited statute, see the opinion of this office dated July 27, 1965 and the statutes and previous Attorney General opinions to which reference is therein made. That opinion will remain in effect until April 26, 1968. On that date, Me. Public Laws 1967, ch. 533, will become law. This chapter abolishes the planning functions of the Division of Research and Planning in the DED and transfers the State's planning functions to a newly-created State Planning Office.

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The powers of the State Planning Office include the power to ". . . assist in planning and executing any public or private project involving grants or loans; advise, confer and otherwise cooperate with municipal planning boards, agencies, officials, civic and other groups and citizens in matters relating to urban renewal, zoning and planning relating to schools, housing, health, land use controls and other objectives." Me. Public Laws 1967, ch. 533, § 1. This power is similar to the power formerly inherent in the Division of Research and Planning. Compare Me. Rev. Stat. Ann., Tit. 10, § 451 (8) (1964).

Me. Public Laws 1967, ch. 533, § 1 also states: "Funds from the Federal Government or from any individual, foundation, or corporation may be accepted by the State Planning Office and expended for purposes consistent with this chapter."

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