

MAINE STATE LEGISLATURE

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March 29, 1968

Honorable Joseph Sewall
State Senator, Penobscot County
James W. Sewall Company
Old Town, Maine

Dear Senator Sewall:

Your letter under date of March 1, 1968 addressed to General Erwin relative to the transfer of urban renewal planning assistance under the jurisdiction of the Department of Economic Development to the newly created State Planning Office has been referred to me for answer.

As you were the successful sponsor of the recently enacted "Maine State Planning Act" it is unnecessary to cite the various provisions of said Act in detail. To quote from your letter verbatim, you state that, "It was my intention that the urban renewal assistance presently rendered by the Department of Economic Development and the related personnel involved in the activity be transferred to the State Planning Office."

You have asked two questions relative to such transfer:

Question #1: Does the language of P. L. 1967, c. 533, section 4 accomplish this purpose?

Answer: Yes.

Question #2: Is the effective date of planning and urban renewal personnel transfer between the two departments April 26, 1968?

Answer: Yes.

Opinion: In subsection 8 of section 451 of Title 10 of the Revised Statutes of Maine, it is provided that the Division of Research and Planning of the Department of Economic Development shall be empowered to render planning assistance to Maine regions and municipalities, including urban renewal projects.

10 M.R.S.A. § 451 (8) empowered the Division of Research and Planning within the D.E.D. to:

"Assist in planning and executing any public or private project involving federal 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, assessment and taxation, and other objectives; initiate, encourage and assist local planning boards and other municipal agencies and officials in regional planning and urban renewal."

The above-quoted subsection 8 as well as subsections 6 and 7 of 10 M.R.S.A. § 451 which empowered the Division of Research and Planning of the D.E.D. to establish a "Master Plan" for the State of Maine and to act as the over-all coordinating agency of the State of Maine in matters relating to the physical development of the state, were repealed by section 2 of P. L. 1967, c. 533, said repeal to take effect as of April 26, 1968.

P. L. 1967, c. 533 entitled "Maine State Planning Act" embodies the functions previously ascribed to the Department of Economic Development relating to planning assistance aid in the area of urban renewal. The repeal of subsections 6, 7 and 8 of section 451 of Title 10 of the Revised Statutes was a necessary step undertaken by the legislature toward elimination of duplication of departmental services in the field of planning assistance for urban renewal. The fact that such assistance is to become a future function of the newly created State Planning Office is beyond doubt.

Joseph Sewall

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Paragraph three of section 4 of P. L. 1967, c. 533 entitled "Transfer of Personnel and Budget" reads as follows:

"The appropriation requests of the Department of Economic Development, or actual appropriations, which cover the positions or relate to the supplying and supporting of the positions for planning assistance to Maine regions and municipalities are transferred with the positions. This includes the transfers and contribution's appropriation for urban planning and the appropriation made to the Department of Economic Development for Urban Renewal."
(Emphasis supplied)

The underlined sentence prevents any doubt that the legislature intended to transfer the functions of planning assistance for municipalities and urban renewal from D.E.D. to the State Planning Office. As noted above, the effective date of such transfer is April 26, 1968 or as soon thereafter as is practicable.

Very truly yours,

Phillip M. Kilmister
Assistant Attorney General

PMK/slf'