

MAINE STATE LEGISLATURE

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JSZ JB ✓
August 30, 1972

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Uniform Relocation Assistance (Public Law 91-646, 42 U.S.C. §§ 4601-4655)

SYLLABUS:

1 M.R.S.A. §§ 901 et seq. authorizes and empowers all sponsors of airport development projects in the State of Maine under the Airport and Airway Development Act of 1970 to comply fully with Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 42 U.S.C. §§ 4601-4655).

FACTS:

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 42 U.S.C. §§ 4601-4655) (hereafter "Uniform Relocation Act") requires that as of July 1, 1972, all sponsors of airport development projects under the Airport and Airway Development Act of 1970 (hereafter "ADAP") be able to comply fully with Titles II and III of the Uniform Relocation Act.

The Federal Aviation Administration has inquired whether Maine ADAP sponsors are authorized and empowered to comply with the Uniform Relocation Act, and the Director of the State of Maine Department of Transportation, Bureau of Aeronautics has requested that we reply to the FAA inquiry.

QUESTION:

Are the instrumentalities in Maine having authority to sponsor ADAP projects authorized and empowered to comply with Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 42 U.S.C. §§ 4601-4655)?

ANSWER:

Yes.

REASONS:

Under the laws of the State of Maine, the State, municipalities and other political subdivisions are authorized to sponsor ADAP projects subject to the prior approval of the Director of the Department of Transportation, Bureau of Aeronautics. The pertinent statutory provisions are as follows:

"The State, municipalities and other political subdivisions separately, and municipalities and other political subdivisions jointly with one another or with the State by and through their duly constituted representatives are authorized to apply for and accept federal aid to further any purpose related to the development of aeronautics and to do all things necessary or incidental thereto, subject to section 162, subsection 3." 6 M.R.S.A. § 163.

"No municipality or other political subdivision in this State, whether acting alone or jointly with another municipality, a political subdivision or with the State, shall submit to the Administration any request for federal aid under the Federal Airport and Airway Development Act of 1970, so called, or any amendment thereof, unless the project and the project application have been first approved by the director." 6 M.R.S.A. § 162 (3).

The authority of an ADAP sponsor to fully comply with the Uniform Relocation Act may be found in 1 M.R.S.A. §§ 901 et seq., entitled "Relocation Assistance." This Act became effective March 1, 1972 pursuant to a Special Session of the Legislature.

Section 901 of this Act clearly enunciates its purpose to be to enable sponsors of ADAP projects to comply in all respects with the Uniform Relocation Act. Section 901 reads as follows:

"The purpose of the chapter is to establish a uniform policy for the treatment of persons displaced as a result of federally assisted State programs in order that such persons shall not suffer as a result of programs designed for the benefit of the public as a whole, and to enable the State to comply with certain laws enacted by the Congress of the United States." (Emphasis supplied.)

Section 902 of the Act implements this purpose in pervasive language. That section provides:

"Whenever the acquisition of real property will result in the displacement of any person on or after the effective date of this Act and the program is eligible for federal financial assistance, the State is authorized to receive such federal financial assistance and upon and in anticipation of receipt thereof, is authorized to comply with all of the provisions of, to be guided to the greatest extent practicable by the land acquisition policies set forth in and do all the things necessary or proper to provide the services, payments and benefits provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 9-646; 84 Stat. 1894). (Emphasis supplied.)

The Act further provides, in Section 904, as follows:

"Nothing in the Chapter shall be construed to limit the authority or eligibility of the State to receive federal financial assistance."

The Act applies to all potential sponsors of ADAP projects in Maine (the State, municipalities and other political subdivisions) since the term "State" as used in the Act is defined as follows:

"The term 'State' shall include every agency, department and political subdivision of the State but shall not include the State Highway Commission."

It should be noted parenthetically that the State Highway Commission has no independent authority to sponsor an ADAP project.

For the foregoing reasons, it is our opinion that all sponsors of ADAP projects in Maine have the authority to comply fully with the Uniform Relocation Act.

MLW:H

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