

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date March 17, 1975

To Joseph Hochadel, Ass't. to Governor Dept. Executive
From Joseph E. Brennan, Attorney General Dept. Attorney General
Subject County CETA Eligibility

This replies to your memorandum of March 11, 1975, concerning the above subject.

I understand your first question to be whether or not the Maine Legislature has authorized the Commissioners of the various counties to apply on their own initiative for prime sponsorship of programs under CETA. The answer to that question is affirmative. 30 M.R.S.A. § 255, subsection 1, states:

"Counties may apply for and accept and expend Federal Government grants for any purpose for which Federal Government grants are made available to counties, either directly or through the State."

I understand your second question to be whether or not a county is a "unit of local government" within the meaning of that term as used in the Comprehensive Employment and Training Act of 1973. The answer to that question is also affirmative.

29 U.S.C., § 981, subsection (a)(10) states:

"'Unit of general local government' means any city, municipality, county, town, township, parish, village or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers."

In the final analysis, it is a federal question as to what the Congress intended to include within the scope of the term "unit of local government." However, in view of your urgent request for my opinion as to what the Congress intended by that term, I hereby submit it to you.


My opinion is based upon an analysis of the Congressional definition of that term, above-quoted. Congress has enumerated seven specific governmental units which it says are encompassed by the term "unit of local government." One of those specific units is "county." Congress has preceded that specific enumeration with the adjective "any," thereby indicating that the enumerated units are treated compendiously and not narrowly.

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The final clause - "or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers." - does not seem to be intended as a narrowing limitation upon the enumerated units, but is presented in the usual legislative manner of extending the class which has been previously identified by the enumeration to others of a similar nature, with an indication of what that nature is generally deemed to be.

Thus, the meaning of the terminal clause is qualified by the enumeration and not vice versa.

If I can be of any further aid to you, please inform me.


JOSEPH E. BRENNAN
Attorney General

JEB/ec