

MAINE STATE LEGISLATURE

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J.E.B. *gub* ✓ ✓
STATE OF MAINE

Inter-Departmental Memorandum Date October 14, 1975

To Mary Najarian, Asst. Majority Leader Dept. Maine House of Representatives

from Chalmers Hardenbergh, Asst. Attorney General Dept. Human Services

Subject FORMAL OPINION

SYLLABUS:

The Supplemental Appropriation Act of 1975 does not require that the existing priority social services be maintained; rather, it permits beginning new priority social services, and ending funding of old priority social services.

FACTS:

Section C of the Supplemental Appropriation Act of 1975 (Laws, Ch. 90, 1975) modified the language of 22 M.R.S.A. 6105 so that it reads in pertinent part: (underlined section added)

"This program shall provide certain priority social services, with an emphasis placed on the development of human services in rural areas of Maine, to residents of the State..."

The Act also provided over one million dollars to carry out the purposes of the Priority Social Services Program.

QUESTION:

Did the Legislature intend by Section C to maintain existing priority social services?

ANSWER:

The Legislature did not intend by Section C solely to maintain existing priority social services.

REASONS:

The answer is found by examining the language of section C, which mandates a modification of the Priority Social Service Program.

First, section C. provides that emphasis should be placed on development of human services in the rural areas of Maine. 22 M.R.S.A. 6105.

Second, section C. provides a new means of sharing the costs of services. 22 M.R.S.A. 6111. New limits on the percent of State funds are created, while some services may be completely funded by the State.

The modification of the Program by Section C implies that the Legislature did not intend to maintain the status quo; rather, the Legislature wanted certain changes in the program. In particular, the

requirement of emphasis on rural areas mandates that the Program shift emphasis to the rural areas. Certainly such a shift would mean that some existing services would not continue to be funded by the Program, and some new services would be set up.

Finally, had the Legislature intended that the existing priority social services be continued without change, the Legislature would have so stated in the Act. No language in the Act provides for a mere continuation of existing services.