

# MAINE STATE LEGISLATURE

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May 28, 1924.

To Captain Harold A. Miller, Chief, State Highway Police  
Re: Ferry Passes for Inspectors

You inquire with reference to the propriety of having the State Highway Commission issue a pass on the Bath ferry to one of your inspectors. My opinion is in the affirmative; that such a pass might properly be issued.

The Bath ferry is conducted by the Highway Commission as an instrumentality of the State, subject to the jurisdiction of the Public Utilities Commission in the same way that it has jurisdiction over other public utilities; P. L. 1919, Chapter 212.

The general provisions of law (R. S., Chapter 55, Section 34), as amended by P. L. 1917, Chapter 290, prohibit free transportation on any public utility, but among exceptions are inspectors of police departments and special rates to employees. This same exception of officers and employees exists in the Federal statute, (Barnes Federal Code, Sec. 7919), which is incorporated by reference into the statute just cited.

If, therefore, your inspectors come within either of these exceptions, the propriety of giving them passes is obvious.

Your inspectors are created by Public Laws of 1921, Chapter 211, Section 25. They are commissioned by the State Highway Commission with the consent of the Governor and Council and are given the powers of sheriffs with reference to violations of the motor vehicle act. The Highway Commission, of which you and your inspectors are the representatives, are given by this section the duty of enforcing the motor vehicle act and your inspectors are to be paid actual costs of travel. It would be my opinion that your inspectors, under this section, are brought within the exception first above mentioned of the public utilities law.

As a practical matter, should they be obliged to pay their travel on the ferry, it would be taking it out of and putting it back into the same department, viz: the State Highway Commission. As a matter of accounting it may be more convenient to go through this procedure, as as a matter of law I do not believe you are obliged to do it.

My opinion, of course, does not extend beyond the permitting of free passage to your inspectors when on official business of the department.

William H. Fisher  
Deputy Attorney General