

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

May 13, 1943

George E. Hill,

Public Utilities

Frank I. Cowan, General

Attorney General

Transfer of Funds.

I have your letter of April 26 in regard to the language in paragraph (B) of Section 7 of the Public Utilities statute providing for the disposal of fees received from applicants for permits to operate trucks. The statute reads: "Each application for a certificate or permit . . . shall be accompanied by a fee of \$5, which is not for revenue purposes, but is to be used by the commission for the purpose of defraying the expenses of administering this act, and any portion of such fees not used or required for this purpose shall be added to the general highway funds of the state."

In the next paragraph, the second sentence reads as follows: "The salary and traveling expenses of employees and all office expense connected with the administration and enforcement of this act shall be paid out of the revenues received under the provisions of sections 7 and 12, which shall be set up as a separate fund in the office of the treasurer of state, to be disbursed under the direct supervision and control of the public utilities commission."

There can be no question about the meaning of this statute. If the Public Utilities Commission accumulates more funds than it requires for purposes of administration, those funds are to be added to the general highway funds of the State.

Neither can there be any question as to who is authorized to determine whether or not the funds are required. It would lead to chaos if any head of an administrative department were to be allowed to make such decisions. The authority to decide whether or not any department has funds in its budget not required for the operation of that department rests finally with the Governor and Council. The Finance Commissioner ordinarily handles these problems, and advises the Executive, but in case of doubt or controversy, a Council order authorizing the transfer must be secured.

Frank I. Cowan
Attorney General

FIC:c