

MAINE STATE LEGISLATURE

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JB BZ ✓
February 24, 1970

John G. Feehan, Chairman

Public Utilities Commission

George C. West, Deputy

Attorney General

SYLLABUS:

Funds from dedicated revenue for the expenses of administering statutes may be used to pay rent for office space.

FACTS:

The Public Utilities Commission now occupies the fourth floor of the State House. In the near future the commission is being moved to the new shopping center on Western Avenue. The space allotted to the Commission is not enough for its purposes. Additional space is available but State funds are not available for rental of more space.

Among the Commission's functions are the regulation of the transportation of motor vehicles for hire.

35 M.R.S.A. § 1501 provides for the regulation of motor vehicles carrying passengers for hire. It provides for the licensing of such carriers.

"The funds so received by said commission shall be used to defray the expenses of said commission in connection therewith."

Section 1557 (1) provides for licenses for railroads, electric railways, railway express or water common carriers to operate motor vehicles on the highways. Subsection (2) sets fees for licenses and says:

" . . . which is not for revenue purposes, but shall be used by the commission for the purpose of defraying the expenses of administering this chapter and chapter 95 "

The commission has funds from these two sources and is willing to pay the rent for the additional space for its Motor Carrier Division.

February 24, 1970

QUESTION:

May such funds as are collected and utilized to defray the expenses in operating the Motor Carrier Division as set forth above, be utilized in the renting of such space?

ANSWER:

Yes.

REASON:

Although the language in §§ 1501 and 1557 (2) are not identical, each conveys the same thought. The latter section specifically uses the word "administering." Section 1501 does not, but the language carries the implication or meaning of "administering."

The verb "administer" means to manage or conduct, Glocksen v. Holmes, 186 S.W. 2d 634 (Ky); to manage, control and conduct the affairs or business of the governmental agency to which they relate. (Christgen v. Fine, 27 W.W. 2d 193 (Minn.)).

In matters of government, administering the affairs of an agency must include not only personnel, equipment and supplies, but the cost of space wherein the personnel may conduct and execute its functions.

Hence, we would conclude that the Public Utilities Commission may pay from funds collected for license fees set forth in sections 1501 and 1557 (2) for the rental of space for its Motor Carrier Division.

George C. West
Deputy Attorney General

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