

MAINE STATE LEGISLATURE

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Secretary
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Electricians Examining Board
Attorney General

Charging for Office Space.

SYLLABUS:

The State Controller may, under the proper circumstances, charge the Electrician's Examining Board for office space under control of the Bureau of Public Improvements.

FACTS:

The Electrician's Examining Board has been notified by the State Controller of the Bureau of Accounts and Controls that the Board is going to be charged (as are other dedicated revenue agencies and boards) for office space under control of the Bureau of Public Improvements, at the rate of \$3.40 per square foot per year.

QUESTIONS:

1. Can the State Controller legally collect such a charge?
2. Can the Board legally authorize payment of such a charge in view of the wording of 32 M.R.S.A. § 1154 and 5 M.R.S.A. § 151?
3. In the event the charge is levied under authority of law and the Board can properly pay such a charge, will the Board have a choice as to where it will be located?
4. If the charge is in the nature of a rent, will the established laws between landlord and tenant apply?

ANSWERS:

1. Yes, the State Controller may legally collect such a charge.

2. Yes, the Electrician's Examining Board may legally authorize payment of such a charge.

3. Yes, the Board may locate its office wherever it elects to do so outside the State House complex.

4. No answer is given; the question is too broad.

REASONS:

The Governor and Council may under 5 M.R.S.A. § 1586 charge in certain situations for office space. Assuming the State Controller is carrying out a directive from the Governor and Council, he is required to make such a collection.

Section 1134 of Title 32 permits expenditures in carrying out the provisions of the Chapter. As office space is a reasonable and necessary expense of administering the reference chapter, a charge authorized by § 1586 of Title 5 may be paid under § 151 of Title 5 as payment of "... the expense of the board and for executing the law relating to the board. . . ."

A board, if it can afford to, may locate wherever it elects to. But if it decides to locate in a building under the control of the Bureau of Public Improvements, it must abide by the desires of that Bureau and accept its assignments. 5 M.R.S.A. § 1742.

The fourth question is too broad for answering.

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