

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

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REPORT

OF THE

# ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1914.

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WATERVILLE  
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1915

AUTOMOBILES.—REGISTRATION OF BY DEALER  
AND GARAGE OWNERS.

20th May, 1914.

*Hon. J. E. Alexander, Secretary of State, Augusta, Maine.*

DEAR SIR: In relation to the various questions submitted by the Automobile Association in regard to the registration of dealers, Section 11 of Chapter 162 of the Laws of 1911 provides that no motor vehicles shall be operated on any street or highway unless registered as therein before provided. Section 8 provides that all motor vehicles shall be registered by the owner; but Section 9 permits every manufacturer or dealer in motor vehicles, instead of registering each motor vehicle under Section 8, to make application for a general distinguishing number or mark and the secretary of state shall issue it, whereupon each motor vehicle owned or controlled by such manufacturer or dealer until sold or exchanged shall be regarded as registered under such general distinguishing mark.

If the statute stopped there, its interpretation would be quite clear that all automobiles owned or controlled by a dealer for sale or exchange would be registered no matter to what use they might be put; but the section goes farther and says; that the fee for every certificate of registration shall be \$25, for the privilege of purchasing, demonstrating, selling or exchanging automobiles and auto trucks.

I do not now see any other way of interpreting the law than to hold that the registration by a dealer only covers the use of automobiles in connection with the purchasing, demonstrating, selling or exchanging of the same, and that under the dealer's license or registration, they are not registered within the meaning of Section 11 for any other purposes than those connected with the purchasing, demonstrating, selling and exchanging of automobiles; and that if a dealer uses the public highways with such machines for other purposes, it must be registered under Section 8.

I appreciate that such a strict interpretation of this law will work a hardship on the regular automobile dealers, as under it, I do not think they would have the right to use one of their machines registered under Section 9 for pleasure purposes, or

to let, or as a matter of fact for any business purposes, that are not connected with the purchasing, demonstrating, selling and exchanging of automobiles.

It would seem quite clear, as I have previously advised you, that a garage owner who does not deal in automobiles, but simply keeps them for hire should not have a dealer's license but should be obliged to license each one of his cars; nor a hotel man using them in connection with his hotel, nor any person operating them in any kind of commercial business. Neither does it seem to me, that if a dealer even, has a private car for repairs, that he would be authorized to use it upon the highways under one of his dealer's numbers even for testing it. It is not a car owned or controlled by a dealer for the purposes of selling or exchanging. The owner must see to it that it is properly registered under Section 8 before the garage owner can take it out on the streets for testing purposes.

As to the use of a car, registered only under a dealer's number, by a dealer for hire for the purpose of towing in cars of unfortunate automobilists that are broken down on the road, it seems to me very doubtful whether he is even authorized to do that under his dealer's registration. It is stretching the statute pretty far to hold that this is a privilege connected with the purchasing, demonstrating, selling or exchanging of automobiles. It may be that they should have this right, but the statute should be amended to make it clear.

The point for the automobilist to bear in mind is that he has absolutely no right on the streets unless his car is properly registered, and in case of accident, it may become a very serious matter with him whether his machine is properly registered.

Very sincerely,

SCOTT WILSON,

*Attorney General.*