

MAINE STATE LEGISLATURE

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April 27, 1915

To John E. Bunker, Secretary of State
Re: Dealers' Licenses

Answering your inquiry in regard to the extent to which dealers' licenses may be used by automobile owners, I would say that I have examined the advice submitted to your department by Attorney General Wilson and by Assistant Attorney General Murchie under date of May 20, 1914 and April 18, 1914 and have also examined Section 9 of Chapter 162 of the Public Laws of 1911, which is the section specifically bearing on this subject.

In the main I agree with the advice given by Mr. Wilson and Mr. Murchie, although I feel that in some matters of detail, they have construed the law a little more strictly than the courts would uphold them in doing, but the general meaning of the section in question is plain and its application to any given case ought not to be difficult. The dealer's license, for which he pays an annual fee of \$25., is purely and simply for the privilege of purchasing, demonstrating, selling and exchanging automobiles and auto trucks. Whenever anyone operates an automobile on the public highway for any purpose except the purposes named in this act, he violates the law. There can be no possible confusion with regard to the meaning of the words "purchase, sell and exchange". The only word in the section which would need interpretation is the word "demonstrate", and there ought not be any trouble in determining whether a man driving an automobile on the highway was driving it for demonstration purposes or not, provided the matter is examined in a fair light. The provisions of Section 9 were not inserted in the law for the purpose of permitting private owners and users of automobiles to avoid the provisions of Section 8. There is a reasonable and easily ascertainable line between the ordinary use of automobiles for pleasure or ordinary business purposes and the use of an automobile for demonstration purposes. It would seem that there need never be any confusion between the two uses provided that each case is examined fairly and in good faith.

William R. Pattangall
Attorney General