

MAINE STATE LEGISLATURE

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May 9, 1919

To Hon. Frank W. Ball, Secretary of State
Re: Definition of "Dealer"

Your request for an opinion interpreting section 24 of chapter 26 of the Revised Statutes, as amended by chapter 53 of the Public Laws of 1917, has had my consideration and I beg to advise:

1. A "dealer", within the meaning of this Statute, includes all persons, firms and corporations who buy, sell and exchange automobiles as a business. Dealing in automobiles may not be the sole business of the dealer. Just as many business men have many interests and carry on different lines of business, so a person, firm or corporation may deal in automobiles as a part only of their business activities. The number of cars bought, sold or exchanged will not control. The person, firm or corporation conducting a small business, selling and exchanging only a few cars, is as much within the provisions of this act as is the large dealer.

2. When a manufacturer or dealer has registered as such, all motor vehicles, automobiles and motor trucks, owned and controlled by him may be lawfully used upon the highways and are to be deemed registered in accordance with law, so long as the use of such motor vehicle is confined and limited to performing and carrying on the business of "dealing" in motor vehicles. But when the use of any such motor vehicles is solely for pleasure riding and is in no way connected with the furtherance of the business of the dealer, or when the use is for a separate business enterprise which is not part or in furtherance of the business of "dealer", then the owner or person in control of the car should have regular individual registration for the car as provided in section 23 of chapter 26, R. S., as amended.

By the original act, section 9 of chapter 162, Public Laws of 1911, which was modified in the revision of 1916 as section 24 of chapter 26 thereof, the use of motor vehicles by manufacturers and dealers under a manufacturers and dealers registration was, by specific language, limited to purchasing, demonstrating, selling and exchanging automobiles and auto trucks. In the amendment of chapter 53, Public Laws of 1917, the words to purchase, demonstrate, sell and exchange automobiles and auto trucks were eliminated and in place thereof was substituted "such registration", referring to the previous language of the original language of the original act which generally provided that manufacturers and dealers might be registered. I cannot believe that this amendment was intended to take all limitation and restriction from the use of motor vehicles by manufacturers and dealers and to permit them to use cars for private and personal purposes either in pleasure seeking or profit making which is in no way connected with the business of a dealer. It is my opinion that the intention was to extend the uses of dealers' cars from strict purchasing, demonstration, sale and exchange to any and all uses which might be necessary or convenient for the purposes of carrying on the business of a dealer and no further. . .

Guy H. Sturgis
Attorney General

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