

# MAINE STATE LEGISLATURE

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November 10, 1921

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

You ask for an opinion upon the following questions:

"Section 47, sub-paragraph A of Chapter 211 of the Public Laws of 1921 provides that all passenger motor vehicles used regularly for livery or hire shall pay double fees. I would like a definition of the word 'regularly' in the sense used in the above mentioned paragraph. I will submit a question that has been presented to this department: Mr. X, a hotel proprietor, owns a touring car which he uses for his own personal pleasure and that of his family. He also uses it more or less as a conveyance for the guests of the hotel to and from the railroad station, for which he charges a fee of 25¢. In addition he uses his car for hire at such times as he can conveniently do so and has a notice posted at the desk in the hotel, 'Public Car'. Does Mr. X. come within the provisions of the section above quoted whereby he should be required to pay a double fee for registration of his car?"

We are unable to find that the word "regularly", used in the statute referred to, has ever been judicially defined by our courts; but we think the legislature intended that, as used here, it should include all passenger motor vehicles used for livery or hire as a business, not necessarily all of the time, but as a substantial part of the owner's business; and applying this interpretation to this particular case, Mr. X. should be required to pay the double fee for his registration.

"Section 76 of the above referred to Act provides for the publication of a list of all certificates of registration of motor vehicles by the Secretary of State and provides:

"'He shall furnish such lists free of charge to such public officials of the State as make written application therefor.'

"Who are the public officials of the State within the meaning of the above statute? This department has had applications for such lists from Judges of Municipal Courts, City Police Officers, Town Constables, Assessors of Taxes, State Detectives, County Commissioners Clerks of Courts and various other plantation, town, city and county officers. Are any or all of the above enumerated officials entitled to these lists without charge?"

Our idea is that "public officers of the state", as here used, should be construed to include Judges of Municipal Courts because they are appointed by the Governor and have special need of such lists for the purposes of their public duties. The others named are not, in our opinion, public officers of the State; they are municipal and county officers and as such are not entitled to the lists mentioned free of charge.

William H. Fisher  
Deputy Attorney General