

# MAINE STATE LEGISLATURE

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January 13, 1922

To Hon. Frank W. Ball, Secretary of State  
Re: University of Maine Motor Vehicles

Replying to your question about the registration of motor vehicles owned and used by the University of Maine, I wish to say that in my opinion the University of Maine is not a municipal corporation within the meaning of the motor vehicle law.

Section 51 of Chapter 211 of the Public Laws of 1921 provides:

"All motor vehicles owned and used by the state or any municipal corporation therein shall be registered, but shall be exempt from the provisions of this act as to payment of registration fees; but all such vehicles shall display register plates as required by this act or approved by the commission."

In order to claim the exemption provided in Section 51, the University of Maine corporation would have to satisfy your department that it is a municipal corporation within the meaning of that act. The precise question has not been before our courts, but on a question of taxation the University of Maine claimed exemption on the ground that it was a State institution and Chief Justice Cornish in the case of *Orono vs. Sigma Alpha Epsilon Society*, 105 Me. 219, used the following significant language:

"But the defendant goes further and claims not only an exemption but an immunity from taxation on the ground that the University of Maine is a branch of the State government, an instrumentality of the State itself. . . .

"The necessary facts, however, are lacking here. The University of Maine, while chartered by the State and fostered by it especially in recent years is not a branch of the State's educational system, nor an agency or instrumentality, but a corporation, a legal entity, wholly separate and apart from the State."

I, therefore, advise you that the motor vehicles owned and used by the University of Maine are subject to registration and payment of fees.

Ransford W. Shaw  
Attorney General