

MAINE STATE LEGISLATURE

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March 22, 1924

To Harold A. Miller, Chief, State Highway Police
Re: Reissuance of License after Suspension

In reply to your question what you should do regarding hearings on petition for restoration of licenses to operate motor vehicles when the same have been revoked by the Highway Commission following conviction for operating a motor vehicle while under the influence of intoxicating liquor, you are advised that I find nothing in the law which gives the Highway Commission the right to make "restoration" of a license which has been revoked under any circumstances.

By Section 73 of the motor vehicle law, the power is given to the Commission to suspend or revoke the license of an operator and the same section provides that no person whose license has been revoked upon conviction of violating Sections 72, 73 and 74 of the Act, shall again be licensed or permitted to operate a motor vehicle in this State for three years; provided, however, that after one year, if the Commission on petition and after hearing shall determine that public safety will not be endangered by issuing a new license or permit, with or without conditions attached thereto, a new license or permit may then be so issued.

As I understand it, however, all licenses or permits are issued by the Secretary of State, not by the Highway Commission. No license shall be issued until the Secretary of State is satisfied that the applicant is a proper person to receive it. The final decision as to who shall have a license and who shall not is with the Secretary of State, except as governed by the provisions of Section 73.

It seems to me, answering your specific question, that those operators whose licenses have been revoked for a year or more should be given a hearing by the Commission on petition as to whether in the judgment of the Commission a new license or permit should be issued to them, but as to others I fail to find any law which would justify the Commission in considering those cases.

William H. Fisher
Deputy Attorney General