

MAINE STATE LEGISLATURE

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May 29, 1924

To the State Highway Commission
Re: Damage to Highways from Tractors

I have your inquiry with reference to Section 16 of the Motor Vehicle Law. . . The section makes a special exception:

"Mowing machines, light farm tractors, not customarily operated over public ways, and other lightweight farming vehicles, are exempted from the provisions of this section."

It is a question of fact in each case whether any given vehicle comes within this exemption or not, and I doubt if any rule of law can be laid down. Any vehicle coming within the exception must, of course, be operated in accordance with the general laws of the State, which prohibit in general terms obstructing a highway and have the following express provisions which might possibly be applicable in some cases:

Revised Statutes, Chapter 129, Section 10:
"Whoever removes, injures or destroys any public of toll bridge or places any obstruction on such bridge or on any public road with intent to injure persons or property passing thereon" shall be punished.

Section 28: "Whoever places rocks, stone or other obstruction in any travelled road and leaves them there, shall be punished."

Section 29: "Whoever deposits or dumps waste material within the limits of the public way without authority shall be punished."

Some cities and towns have ordinances which may be of assistance to you in certain cases. . All the statutes above tabulated and the ordinances above referred to bear slightly on the problem and, as a practical matter, it comes down to a question of deciding in each case whether the vehicle comes within the exception first above quoted.

Further, as a practical matter, I can hardly believe but that in most cases your representatives will have little difficulty in protecting the highways from injury if they use a little diplomacy with any person whose actions threaten to injure the highways.

Any case which does not come within the exception can be prosecuted and, of course, county authorities would doubtless stand behind you in instances where it was clear that the highway was being injured, especially if the harm were being done maliciously, and would put a case before the court. . .

Clement F. Robinson
Deputy Attorney General