

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

June 3, 1924.

To Capt. Harold A. Miller, Chief, State Highway Police
Re: Summary Suspension of Driving Licenses

You request my opinion as to the effect of Section 35 of the Motor Vehicle Law with reference to the summary suspension of the license of a motor vehicle operator who has been bound over to a higher court for the offense of driving a car while under the influence of liquor.

A recent decision of our Law Court invalidates that part of Section 74 which permits municipal courts to sentence for this offense, and this, in effect, invalidates the provision that the offender's license shall be suspended while an appeal is pending to the higher court.

My opinion is that under Section 35, the Commission, having the power to suspend summarily the license pending a hearing, may exercise that power immediately on receiving word that an operator has been bound over for a serious breach of the motor vehicle law; but I find no authority for the Commission to delegate this power to any of its representatives, and my opinion would be that this is so important a power that it must be exercised by the Commission itself and not by a representative or an employee of the Commission.

Until the legislature has taken further action, there appears to be no provision of statute for suspending, ipso facto, the license to operate a motor vehicle by a municipal court decision on a complaint for driving a car under the influence of intoxicating liquor.

Clement F. Robinson
Deputy Attorney General