

# MAINE STATE LEGISLATURE

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**PUBLIC DOCUMENTS**

OF THE

**STATE OF MAINE**

BEING THE

**REPORTS**

OF THE VARIOUS

**PUBLIC OFFICERS  
DEPARTMENTS AND  
INSTITUTIONS**

FOR THE TWO YEARS

**JULY 1, 1926 - JUNE 30, 1928**

PUBLIC DOCUMENTS, 1926-28

(Explanatory Note)

Three reports in this volume cover periods in variance with the given biennium. They are as follows:

1. The report of the Attorney General covers the period from 1924 to 1928.
2. The report of the Bangor State Hospital covers the period from 1919 to 1928.
3. The report of the department of Inland Fisheries and Game covers the fiscal year ending June 30, 1928. No printed report was made for the fiscal year ending in 1927.

# STATE OF MAINE

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## REPORT

OF THE

# ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

JUNE 30, 1926

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PRESS OF MERRILL & WEBBER CO.  
AUBURN, MAINE

It is my opinion that it was the intention of the legislature in this enactment to make it apply to him and him only who operates his car primarily for the carriage of passengers for hire, in other words, as a common carrier who obligates himself to "serve all without discrimination".

It has been held that the test in determining who are passengers, "is whether the person desiring passage in good faith offers himself for the purpose of being carried as a passenger, and whether he is as such accepted and received by the carrier who undertakes to transport him."

The facts as disclosed in this case do not appear to meet the requirements of this test because,

(1) The person operating the car is not a common carrier.

(2) The arrangement between the parties interested appears to be of a reciprocal nature.

They are in the nature of companions, co-workers, rather than as carrier and passengers. The legislature evidently intended to protect the public by requiring the carrier operating a motor vehicle to secure insurance or a surety bond which shall indemnify the insured against any legal liability for personal injury, etc., caused by the use or operation of the motor vehicle described in the insurance contract and also a certificate permitting the operation of said vehicle.

In my opinion it was not the intention of the legislature to subject the person you mention to the expense necessarily incurred in procuring the insurance contemplated in the act, his undertaking evidently being for accommodation and without profit. Of course, the meaning of this act is a question of fact for your Commission.

Yours very truly,

SANFORD L. FOGG,

*Deputy Attorney General.*

October 23, 1926.

*Mr. Horatio D. Crie, Director, Sea and Shore Fisheries Commission, Rockland, Maine.*

DEAR MR. CRIE: Section 21 of Chapter 45 of the Revised Statutes permits the Commissioner, in his discretion, on sufficient

evidence, to restore a license revoked by him, and if he refuses the license may be restored by the court on proper evidence. Section 17 of the same chapter, however, as amended by Chapter 98 of the Laws of 1921, expressly states that any person, firm or corporation that violates any of the provisions of that section, or is convicted of any violation of any law relating to lobsters, shall not be entitled to a renewal for a period of one year. It is my opinion that Chapter 98 of the Laws of 1921 would control, as it is the later statute. The legislature evidently intended that no person should have a renewal of the license for at least one year if he had been convicted of the violation of any law.

Yours very truly,

RAYMOND FELLOWS,

*Attorney General.*

February 25, 1925.

*Hon. Frank W. Ball, Secretary of State, Augusta, Maine.*

DEAR SIR:

In re Short Term Registration of Motor vehicles to Non-residents as Provided in Section 34, Chapter 211, Public Laws of 1921.

The first inquiry propounded by you is:

"Acting under this provision can the secretary of state issue more than one short term registration to a non-resident in a calendar year?"

Our answer is in the negative, because no authority in the statute referred to is given the secretary of state to issue more than one short term registration in any one year.

Second inquiry:

"If the Secretary of State either rightfully or through error should issue more than one short term registration, as above stated, could the amounts paid for both of the short term registration be applied to the annual registration, providing the owner of the motor vehicle desired at a later period to take out an annual registration?"

Our answer to this question is likewise in the negative for the following reasons:

- a. Only one short term registration can rightfully be issued.
- b. The statute in providing for the payment of the difference between the fee for the short term and the fee required for the