

MAINE STATE LEGISLATURE

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September 25, 1929

To James W. Hanson, Adjutant General
Re: Failure to Report Motor Vehicle Accident

You inquire whether failure of a driver of a motor vehicle to report an accident, as required by Section 1, Chapter 327 of the Laws of 1929, is a criminal offense. I do not believe it is.

The section in question does not expressly impose any penalty or penalize in any way the failure to make the report. It merely puts the duty on the driver of the vehicle to forward a report.

Section 2 of the same Act expressly creates a misdemeanor with respect to other circumstances, and Section 3 provides a penalty for such misdemeanor. The difference between these two sections and Section 1 is plain.

Section 3 refers to "a violation of said sections", indicating possibly some intent to refer its penalty to Section 1 as well as to Section 2, but this intention is not expressed with sufficient clearness so that it can be given that effect.

Section 28 of the Act penalizes misstatement of fact upon an application for license but goes no further.

There is a general penalty provision in Section 95 of the General Motor Vehicle Law, but P. L. 1927, Chapter 327, Section 1, is not by its terms incorporated into the General Motor Vehicle Law to which this penalty section (95) applies.

There is a general provision in the Revised Statutes, Chapter 137, Section 1, regarding punishment where penalties are expressly provided* but this provision of the Revised Statutes does not serve to make a crime of the violation of duty under P. L. Chapter 327, Section 1, in the absence of an expression to that effect in the section itself.

Clement F. Robinson
Attorney General

CFR EH

* "Not" provided was no doubt meant, but "not" is missing in the original.