PUBLIC DOCUMENTS

OF THE

STATE OF MAINE

BEING THE

REPORTS

OF THE VARIOUS

PUBLIC OFFICERS
DEPARTMENTS AND
INSTITUTIONS

FOR THE TWO YEARS

JULY 1, 1930 - JUNE 30, 1932

STATE OF MAINE

REPORT

OF THE

Attorney General

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for the calendar years

1931-1932

endeavored to give a broad effect to bankruptcy discharges, in order that one of the main objects of the bankruptcy act might be accomplished; viz, clearing the way to a new start in life for the discharged bankrupt. He has turned over all his property to be divided among his creditors, including the particular judgment creditor in question. The judgment cannot be asserted against him by that creditor. Its effect against the judgment debtor and his property is wiped off the books. To continue to give effect to that judgment, so as to impede the judgment debtor from resuming his place in the community would, to a considerable extent, destroy the effect of the discharge. This, it seems to me, cannot be done by indirection, even if it can be done by an express statute as New York has attempted.

AUTOMOBILE TRUCKS—MAXIMUM GROSS LOADS ALLOWABLE

March 19, 1932

To State Highway Commission

Regarding the maximum gross load of trucks, R. S. ch. 29, sec. 56, is ambiguous. The general provision in the first part of the section sets a gross load of 18,000 pounds for a four-wheel truck, and 27,000 pounds when a trailer follows. The last part of the section introduces provisos. One of these permits an increase of gross weight to 20,000 pounds when the weight does not exceed 600 pounds to an inch width of tire, and 16,000 pounds to one axle; and another proviso permits an increase to 24,000 pounds on four-wheel vehicles equipped with pneumatic tires if the weight on the road surface does not exceed 600 pounds per inch width of tire, and the weight on any one axle does not exceed 18,000 pounds. No express reference to trailers is contained in these several provisos.

In this ambiguity I feel constrained to follow the ruling of the Law Court in its most recent case interpreting an ambiguous statute. In the Standard Oil Company tax case, so-called, decided within a few weeks, the court stated that,—

> "In construing statutes courts expound the law; they cannot extend the application of a statute nor amend it by the insertion of words."

One canon of statutory construction is that a proviso or exception to a general statement is interpreted strictly, and not extended by implication unless clearly necessary.

I see no necessity for extending the proviso in the section above referred to to cover the case of trailers. It may well have been that the legislature felt that a 27,000 pound load is the maximum weight which should be permitted under any conceivable circumstances to the vehicle or vehicles propelled on the highway by a single power plant. In other words, that this is the maximum which should be permitted to any vehicle or series of vehicles forming a single connected transportation unit.

I therefore rule that under the statute as it stands the maximum is 27,000 pounds, and not 36,000.

AUTOMOBILE TRAILERS—MAXIMUM LENGTH ALLOWABLE

June 17, 1932

To Hon. Edgar C. Smith
Secretary of State

You inquire with reference to the interpretation of R. S. sec. 54 of ch. 29, as amended, with reference to the length of trailers attached to motor vehicles. The paragraph in controversy prohibits the use of motor vehicles "which exceed in length thirty-six feet over all," and further says that,—"No trailer attached to a motor vehicle shall exceed in length twenty-six feet over all." The controversy arises with respect to certain vehicles constructed for the purpose of being annexed to other vehicles, but so constructed that when annexed they overlap the principal vehicle thus forming a single rigid six-wheel unit.

Our motor vehicle law does not distinguish between trailers which run on the highway as independent units and overlapping or "semi-trailers" which are more firmly affixed to the principal vehicle, but in sec. 1, simply defines a "trailer" thus:

> "Any vehicle for transportation of passengers or commodities without motive power, not operated on tracks, drawn or propelled by a motor vehicle, except a pair of wheels commonly used for other purposes than transportation."

It refers to trailers generally in several places, e. g., in sec. 50, requiring their registration; and in sec. 54, setting up the fees for such registration. This section classifies trailers with the carrying capacity of 4,000 pounds "as trucks"; prohibits "more than one trailer . . . . drawn by a motor vehicle. . . ." Sec. 56 limits the weights of trucks, tractors, trailers and other commercial vehicles and expressly provides for the gross weight of a vehicle upon six or more wheels "by the combined use of a trailer or otherwise."

The only cases which have come to my attention in which trailers have been especially referred to are these:

State v. Vanderbule, 239 N. W. 485 (So. Dak. Dec., 1931.) The court in discussing a weight limit statute applying to a "single vehicle" ruled that the part of a trailer which overhangs the truck becomes a part of the truck when in use so that in computing load and weight that portion is truck and not trailer. The gross weight of the truck and load includes the overlapping weight of the trailer. The rest of the trailer and its load are a separate item.

On the other hand, in *Leamon v. Ohio*, 17 Ohio App. 323 (1923), under a weight load statute the court held that an overlapping trailer attached to a truck loses its identity and becomes a part of one power vehicle or contrivance with six wheels.

In New Hampshire, under a registration statute, the Attorney General, under date of October 19, 1928 (Report 1928-30, page 10)