

# MAINE STATE LEGISLATURE

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April 5, 1932

To James W. Hanson, Chief, State Highway Police  
Re: Driving on Private Property without a License

You inquire whether the license of a person who has been convicted in a lower court of drunken driving is wholly suspended so that he cannot drive his car on private property or on private ways pending his appeal, under R. S. Chapter 29, Section 88.

It seems to me that the suspension only applies to driving a motor vehicle on a public way. The statute above cited requires in the case of a lower court conviction suspension of "his license and right to operate a motor vehicle in this state". In a probable cause case it requires suspension of "the license".

Both these references must refer back to Section 39 of the same chapter, which prohibits operating motor vehicles "upon any way in this state unless licensed".

In other words, the license which is suspended is the license above referred to without which the operator cannot legally operate an automobile on a highway. No penalty is imposed, however, for simply operating without a license on a private way or on private property. That the penalties in Sections 86 and 88 for reckless and drunken driving extend to private property and private ways is immaterial.

Clement F. Robinson  
Attorney General

CFR/V