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

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)

ruled that an overlapping trailer is a separate vehicle under the registration statute. The statute, however, seems to have specified four-wheeled vehicles, hence the Attorney General felt obliged to rule that a combination having six wheels would be two vehicles.

In Illinois the Attorney General, under date of November 21, 1927 (Report 1927, page 462) under a registration stature rules that an overlapping or "semi-trailer" must be licensed separately under a statute providing for licensing "trailers." But in this opinion he was merely reconciling two portions of a section, which section expressly said that, "all trailers and semi-trailers" must pay license fees.

Giving weight to these rulings as far as practicable and interpreting our statutes as they stand, I am of the opinion that,—

1. All trailers, regardless of the method of their annexation to the principal vehicle, must be separately licensed.

2. Only one such trailer can be annexed to a motor vehicle. If it is annexed so firmly that it forms one firm unit on the highway no third unit can be appended.

3. The trailer itself must not exceed twenty-six feet in length. As I interpret it, this means that the unit which is licensed as a trailer must not be more than twenty-six feet long. It is immaterial whether or not, when operated on the highway, the part of the twenty-six feet overlaps the principal vehicle. In any event it is a trailer and licensed as such. This length limitation occurs in the license section of the statute. If the trailer as a separate unit exceeds twenty-six feet it cannot legally be attached to a motor vehicle.

4. No single motor vehicle constructed and licensed as a single entity can exceed thirty-six feet in length. It may have attached to it a trailer which is itself twenty-six feet in length. The combined maximum length of vehicle plus trailer is sixty-two feet, but the separate units before they are combined must not exceed thirty-six and twenty-six feet respectively.

The clue to the interpretation of the problem which you put is that the licensing section defines the maximum length, first, of motor vehicles, secondly, of trailers as separate units and carries no provision authorizing either unit to be longer than this maximum because of their prospective operation as one complete whole.

BANKING LAW—LOAN AND BUILDING ASSOCIATIONS

May 25, 1932

To Hon. Sanger N. Annis
Bank Commissioner

In your letter of April 20, 1932, you suggest that certain questions have arisen relative to the statutory powers of loan and building asso-