

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

April 14, 1933

Hon. John T. Quinn
Judge Municipal Court
Bangor, Maine

Dear Judge:

Your letter of April 1 was forwarded to different parts of the state in an effort to reach me, and only this day have I seen it.

I am not sure that I can agree with you concerning the construction you place on the contract between the man owning the truck and Mr. Smith. In the light of 113 Me. 165, defining "passenger for hire", it would almost seem to me that those people who rode with the owner of the truck were passengers for hire. I do not understand that a person has to pay his own fare in order to be a passenger for hire, but that it may be paid by someone else. The contract as I read it, was one whose main object was to carry all passengers regardless of the fact that the owner of the truck received his pay even though no passengers presented themselves for transportation. Of course I do not think that the owner of the truck could by any stretch of the imagination be considered as carrying passengers for hire, when there were no passengers in his truck, but I am forced to the conclusion in the light of the above case that when passengers did present themselves and were accepted and transported they were passengers for hire and that, accordingly, the owner of the truck would come within the purview of Section 54 of Chapter 29 of the Revised Statutes.

I arrived at this conclusion reluctantly as I should much prefer to agree with your interpretation of the law, but I am assuming that perhaps the case in 113 Me. had not been called to your attention at the time you arrived at your decision. If you feel that I have erred in my interpretation of 113 Me., and that my conclusions are not sound, I shall welcome a further letter from you.

Most cordially yours,

Attorney General

CRC H