

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

April 4, 1934

Honorable Robinson C. Tobey
Secretary of State
Augusta, Maine

Dear Mr. Tobey:

In your letter of March 28 you request the opinion of this department as to the interpretation of Section 92 of Chapter 12 of the Revised Statutes. This section reads as follows:

"No motor vehicle owned or controlled by a resident of this state, excepting only motor vehicles owned and operated by charitable, benevolent, literary, or scientific organizations which are used exclusively in carrying on charitable, benevolent, literary, or scientific work in the state, shall be registered under the provisions of chapter twenty-nine until the owner or person controlling the same has paid the excise tax herein provided to the city or town wherein he resides. Provided further that a non-resident registering a motor vehicle in this state shall pay to the municipality of the state where he is occasionally or temporarily residing, or if there be no such residing place, then to the state the excise tax above provided. If such payment is made to the state the secretary of state is hereby authorized to receive the same and give a receipt therefor."

Passing simply upon the question raised by you in our conversation, I am of the opinion that the strict wording of the law should be followed, and there should be collected



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the excise tax from all non residents registering a motor vehicle in this state.

Of course, under the reciprocity feature of our motor vehicle laws, certain non residents may operate their cars in this state upon the registration in their own states. But non residents should be treated alike whether they come from a reciprocal or a non reciprocal state.

Such an interpretation is the only workable one and, in my opinion, any other construction might be construed as setting up an unreasonable discrimination,

Very truly yours,

Attorney General

CFC H