

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

June 19, 1935

Hon. B. W. Blanchard
Attorney at Law
Bangor, Maine

Dear Ben:

Concerning the interpretation of Chapter 146 of the Public Laws of 1935, and especially Section 10-(A) Exemption (1), I construe the phraseology to mean, with respect to your client Raymond Nickerson, that Mr. Nickerson may operate within the town of Hampden as that was the town of his residence when his motor vehicle was registered. The part of the section in question reads as follows:

"While being used within the limits of a single city or town in which the vehicle is registered by the secretary of state or in which he owner maintains a regular and established place of business."

The words, "town in which the vehicle is registered by the secretary of state" are rather vague to me and somewhat meaningless if taken literally but I assume the legislature intended to mean the town in which the owner resided and in which town he paid his excise tax on the motor vehicle at the time it was registered.

With respect to Mr. Nickerson, I assume that he operates a regular and established place of business in Bangor and Winterport. The definition of just what constitutes a regular and established place of business does not appear in the Act, but I favor a liberal construction and feel that if Mr. Nickerson has some central point in Bangor and Winterport where orders are received for his services, such a place would be his regular place of business. Accordingly he would be allowed to operate his motor vehicle in Bangor and Winterport.

A further classification appears in the section, - "Within 15 miles, by highway in this state, of the point in such single city or town where the property is received or delivered." Interpreting these words, it would appear that Mr. Nickerson might pick up a parcel of express in any one of the 8 towns and go outside of any one of the 8 towns for a distance of 15 miles by the highway but not to exceed that distance, and deliver the parcel.

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Conversely, he might pick up an article outside of the 3 towns and deliver it in any one of the 3 towns at a point not more than 15 miles from the point of receiving the package.

Such an interpretation would seem to take care of your client very nicely and, in any event, whether or not the construction is in line with legislative intent, it at least follows quite closely the literal wording of the section.

Most cordially yours,

Attorney General

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UNUSUAL
DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF MAINE

