

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA

August 16, 1935

Honorable Lewis O. Barrows  
Secretary of State  
Augusta, Maine

Dear Sir:

You have requested the opinion of this office as to whether a municipality, owning and operating a school bus for the transportation of its pupils, is obliged to take out insurance under the provisions of P. L. 1935, Chapter 131.

In my opinion such a municipality is not included within the expressed meaning of the chapter. The chapter, in part, provides,-

"The secretary of state shall not register any motor vehicle used for livery or hire ~~except~~ and no person, firm or corporation shall operate or cause to be operated upon any public highway in the State of Maine any such motor vehicle until the owner or owners thereof shall have procured insurance in a sum not less than \$5000."

According to the plain wording of the statute it applies only to motor vehicles used for livery or hire. No definition of livery or hire which I have been able to find includes vehicles used simply for the purposes of the owner. The simple meaning in this particular instance would be motor vehicles used for transportation purposes for a compensation to be paid to the owner by those benefited by the transportation. The definitions indicate that there must be payment for the use of the vehicle by the one using it or for whom it is used. Those municipalities using their own motor vehicles for their own purposes are excluded.

Accordingly, I am of the opinion that municipalities may operate their own school busses in the transportation of their own pupils without being obliged to obtain the insurance provided for by Chapter 131.

Very truly yours,

Clyde R. Chapman  
Attorney General

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