

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**

August 27, 1935

To Honorable Lewis O. Barrows, Secretary of State
Re: Insurance on School Bus

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, which, in part, provides:

"The secretary of State shall not register any motor vehicle used for livery or hire. . . 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. The municipalities using their own motor vehicles for their own purposes are thus excluded.

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

You also inquire whether a motor vehicle owned by a municipal corporation, registered without the payment of a fee and used to transport the school children to various contests, athletic, literary or otherwise, from one town to another without complying with the provisions of Chapter 131.

In my opinion, the same reasoning applies to the use by a municipality of its own motor vehicle in transporting school children to various contests, athletic, literary or otherwise, as to the use by the municipality of its own motor vehicle in transporting school children to and from school. The element of livery or hire is absent, and to come within the statute, it must exist.

You further inquire whether an academy or college may use one of its own motor vehicles to transport its own athletic teams without public car registration in compliance with the provisions of Chapter 131.

In reply, I am of the opinion that the same rule obtains, and that the element of livery or hire is indispensable in order to come within the statute. The pertinent part of Section 54 providing for the registration of vehicles applies simply to motor vehicles used for livery or hire, and the pertinent part of Section 54-A, regarding procuring of insurance, uses the same phrase, i.e., "for livery or hire".

In reply to your inquiry regarding the necessity of procuring the insurance provided for by Section 54-A in the case of a privately owned motor vehicle transporting scholars for livery or hire, I am of the opinion that such insurance is required, and it is required regardless of the number of scholars transported or of the type of motor vehicle used.

Clyde R. Chapman
Attorney General

CRC MB