

MAINE STATE LEGISLATURE

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May 19, 1938

The State Highway Commission
State House
Augusta, Maine

Gentlemen:

Yesterday I discussed with members of your Commission and with other interested parties, the problems involving the use of motor trucks which are in excess of 8 feet in width, and the jurisdiction of the Highway Commission to grant permits allowing such trucks to be used.

I understand that the particular trucks involved in our discussion of yesterday are some trucks that are being used on a large construction job; that one of the specifications in the contract for this job requires the use of trucks of 5-yard capacity; that it is impossible to purchase trucks of such capacity with dual wheels required for the type of work involved and having a total over all width of 8 feet or less.

I further understand that the trucks in question have bodies within the width limit, and that the only excess width consists of a few inches measuring from the outside edges of the large tires on these trucks.

None of the provisions of the motor vehicle laws specifically cover this situation. In Chapter 29 of the Revised Statutes, Section 15 states that: "No motor vehicle or trailer which, with or without load, is wider than 8 feet over all, or is over 12 feet 6 inches high, shall be operated upon any way or bridge."

Section 19 provides for the giving of permits by your Commission for the moving of vehicles, engines, contrivances or objects in excess of the length or width or height or weight of allowable limits.

Then, Section 53 gives your Commission the right and power to restrict the use of certain vehicles, otherwise proper under certain conditions, affecting highways or bridges when in the opinion of the Commission such use would be unsafe or likely to cause excessive damage to the highways. In this section is found the following words: "the intent of this chapter being to confer upon the state highway commission, and upon the appropriate highway officials, broad and regulative authority to encourage reasonable use of the ways and bridges and to correct abuses thereon."

I interpret all of these sections and the whole general trend of the Motor Vehicle Law as giving to the Highway Commission powers and duties to meet situations which are not specifically covered by the statutes in such manner as shall be for the best interests of the State and the use of the highways. I believe that, if this situation had been anticipated by the Legislature, provision would have been definitely made for the granting of permits by your Commission in similar circumstances and, in my opinion, you are within the scope of the general powers conferred upon you directly, and by implication, by Chapter 29, Revised Statutes, in granting emergency permits for the use of such trucks under similar situations.

I believe, however, that your permits should be limited; that they should apply only to certain motor vehicles described in the permit, at least by registration number; that they should be limited to a certain definite area, and expire at the end of the year.

Very truly yours,

Francis U. Burkett
Attorney General

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