

# MAINE STATE LEGISLATURE

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April 23, 1942

The Attorney General

Henry P. Weaver, Chief  
State Police

I have your memorandum of April 18th in regard to the co-operation of Shipyard workers in the use of their automobiles. The subject is brought up particularly by the letter to you from George G. Brown, Chairman of the O. P. A. Rationing Board #3-2, Brunswick, Maine.

I think there is nothing in the emergency that requires that we permit an absolute breakdown in our laws in regard to the operation of automobiles for hire. It seems to me that we can very easily suggest a method by which these workers can cooperate without any violation of State statutes. If Messrs A B C D and E each own an automobile and arrange that the automobile of Mr. A only shall be used the first week, Mr. B only the second week, and so on, we will have the conservation of rubber and gasoline that we desire without the problem of violation of the law regarding carrying passengers for hire.

If Messrs. A B and C each own an automobile, but Messrs. D and E do not, it is obvious that Messrs. D and E will have to obtain transportation by some means. If there is insufficient means for transportation by public utilities in the area involved, then we can properly allow D and E to contribute a small amount to help out on the cost of upkeep and operation of the automobile of the neighbor in which they ride, although a fixed charge by the neighbor, even though it is based on the operation and upkeep, will be a violation of the law. In other words, Mr. A cannot let it be known that he will transport workers for a certain amount. The minute he does that he is competing with the public utilities companies. If, however, he gives a neighbor a lift and permits the neighbor to help out by buying some gas or some oil there can be no objection.

If there is adequate public utility transportation service to take care of all workers who have not automobiles of their own, then any cash payments for transportation made to persons not holding public utility licenses will be a violation of the law. We get down to the question of whether or not, as a matter of fact, there exists in the various areas to which this problem applies sufficient means of transportation by licensed carriers so that there is no necessity for private individuals going into the bus business. Where emergencies exist we must recognize them and apply the law accordingly. Where no emergencies exist we must insist on a strict compliance with existing statutes.

We must be sure that we do everything possible to further the war effort, but at the same time we must insist that the war effort shall not be used as an unnecessary excuse for breaking down our governmental

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structure which has been built up through many years of effort and the chief object of which is to better protect the rights of the people of the State as a whole, and also protect the rights of the private individual. It is not every time that a person demands a waiver of the law on the ground of a public emergency that such waiver is justified. If there is a method of procedure that will take care of the situation that arises and at the same time will not permit any relaxing of our enforcement of existing statutes, that is the procedure we should follow.

Frank I. Cowan  
Attorney General

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