

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

July 29, 1942

The Attorney General
Office of Civilian Defense

Transportation of Workers

I have your query received from the South Portland Civilian Coordinating Council bearing date of July 28.

In view of the fact that there are inadequate common carrier transportation facilities, it is recognized as a necessity during the war emergency that the car owners shall cooperate in transportation of themselves and their fellow workers to and from places of employment. It is also recognized that the owner of the car cannot afford to carry all of the expense of operation of the car himself. This office has adopted the rule that during the war emergency, and for such period only, if the owner of an automobile accepts from fellow employees a small gratuity to assist said owner in keeping his automobile on the highway we will not regard the acceptance of such gratuity, so long as it is not a fixed charge, as a charge for transportation of the sort that would be a violation of the registration laws of the State and we will not require of the automobile owner, acting under such circumstances, that he take out special registration as the operator of an automobile for hire. Each case will, however, be regarded on its own merits and this temporary interpretation of the law is not to be regarded as a precedent after the emergency has passed, nor is it to be regarded as any relaxing of the rules in regard to the registration of automobiles, or the attitude of this department and the various police departments toward enforcement of those rules.

If members of the Civilian Defense Coordinating Council see fit to advise automobile owners to arrange for transportation of fellow workers, said owners should be very carefully instructed that the Council has no power to waive any legal obligations which the car owner assumes. He is taking his own chance of involvement in litigation when he gives anybody a ride whether he accepts a gratuity from that person or not and the law in regard to financial responsibility in this State will still apply.

If the members of the Council will have this fact in mind when advising workers, more embarrassment may be saved later if some automobile loaded with workmen is involved in an accident which can be attributed to the fault of the driver of the car in which they are riding.

FRANK I. COWAN
Attorney General