

# MAINE STATE LEGISLATURE

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August 6, 1943

To the Attorney General from John G. Marshall, Assistant  
Re: Council Order re Transportation

The Governor and Council asked the Attorney General's Department for a ruling on R. S. Chapter 29, §41, as to whether or not a Council Order passed by the Governor and Council in 1936 was a valid exercise of executive power.

The Council Order provided, in effect, that the non-resident owner of any truck could use the same with which to transport or convey his own horses into the State of Maine for the purpose of attending any agricultural fair or exhibition in the State for a period of thirty days without being required to register the vehicle in this State.

It was my opinion that the Governor and Council did not have this right as it savored of usurping the powers of the Court to interpret what the law was, and, secondly, it would seem to transgress the powers of the legislature in extending or modifying a law passed by that body.

My interpretation of the first part of this section would impose the construction that the motor truck, tractor or trailer itself would have to be used exclusively for display purposes in agricultural or industrial fairs or in motor vehicle exhibitions. When a non-resident drives his own truck carrying his own horse, or horses, into the State for the purpose of exhibiting the animals, racing the animals, showing the animals, or perhaps offering the animals for sale, he is using the truck not for the purpose of dispoay or exhibition but as an outright means of conveyance and the statute does not imply that the vehicle shall be used for a conveyance of other things for the purpose of exhibition, but that the vehicle itself is the thing to be exhibited.

My attention was also called to the fact that circuses and carnivals are all required to register their trucks of over a ton and a half when they use the highways of the State, in cases of non-resident ownership.

John G. Marshall  
Assistant Attorney General

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