

MAINE STATE LEGISLATURE

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April 11, 1944

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To Capt. Laurence G. Upton, Acting Chief, State Police
From Abraham Breitbard, Deputy Attorney General

In your memorandum of April 6, 1944, you ask for an interpretation of Paragraph 5, Section 1, Chapter 169, P.L. 1935, as amended by Chapters 72 and 205 of the Public Laws of 1941, which reads as follows:

"No dealer shall permit any motor vehicle owned or controlled by him to be released for operation upon the highways until it has been inspected as hereinbefore provided and bears the proper certificate."

I believe this paragraph is very plain and clear. It is especially so, when read in connection with the whole section of which it is a part. First, this section deals with individual owners or persons in control of motor vehicles operated on the highways, requiring inspection at stated periods, and stickers to be placed on the windshield. Then we come to this paragraph relating to dealers, as to vehicles owned or controlled by them, and they are prohibited from releasing a motor vehicle for operation of the highways until it has been inspected. As to them, this means two things: a) It prohibits them from releasing the automobile to be operated on the highway for the purpose of demonstrating it to the prospective purchaser, and b) releasing it to the buyer for operation. This in effect is also a preventive measure, this preventing automobiles from getting on to a highway as a result of purchase from a dealer, without the inspection and the sticker, by imposing this duty on the dealer.

If this were not so, it would be hard to see how a buyer could get off with his car after he has purchased it, without having it towed away from the dealer's place. Certainly, no dealer would consider that very good salesmanship.

I therefore advise you that under this act the dealer is required to have the car inspected and the sticker put on before the car is delivered to the purchaser for use upon the highway.

Abraham Breitbard
Deputy Attorney General

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