

MAINE STATE LEGISLATURE

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November 20, 1945

To Leon L. Spinney, Judge, Brunswick Municipal Court
Re: Registration of Trucks

You ask for a ruling from this department on the supposition that a man owned a truck in Massachusetts, registered his truckload for 6000 pounds, but overloaded 2000 pounds, which is in excess of the registration load and the 5% overload. After this he drives into Maine under our reciprocal law and is checked by our State Police and found to be carrying 2000 over his registration.

It is my opinion that, as he is registered under the Massachusetts law, he is entitled to load his truck according to the registration laws of Massachusetts, and I do not believe that the State Police can check him for overload under the Massachusetts laws; but if he violates our State law on the overload, I think that the State Police should enforce the laws of this State in regard to registration, because the reciprocal law, which is found in Chapter 342, P. L. 1945, does not permit a reciprocal operator to violate the laws of this State. The law reads in part as follows:

"Nothing in this chapter shall be construed to permit a non-resident vehicle, having a weight in excess of or equipped contrary to that allowed a similar resident vehicle, to be operated on the ways of this state."

In case a truck operator is ordered into a municipal court for overload beyond his Massachusetts registration, I do not believe the municipal court would have jurisdiction, provided his overload is not beyond that permitted by the laws of Maine.

Section 27 of Chapter 19, R. S. 1944, provides that no person shall operate any truck, etc., with a load that is more than 20% above that specified in the registration certificate for such vehicle for trucks of capacity of not over 4 tons; 10% for trucks of capacity of not over 6 tons, and 5% for trucks of capacity of over 6 tons.

In 1939, the legislature by Chapter 157 (now Section 100 of Chapter 19, R. S. 1944) provided a weight limit for commercial vehicles. This question of load of trucks is one which has got to be worked out on the reciprocity law, as I have talked with the Secretary of State in regard to another case and we agreed that that is one hitch that will cause some misunderstanding as to the handling of trucks overloads in this State.

Ralph W. Farris
Attorney General

RWF:c