

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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specifically provided," and I must rule that the revoking of the operator's license and certificate of registration is the penalty, and a person failing to report an accident would not be prosecuted under Section 135 of Chapter 19, R. S. 1944.

RALPH W. FARRIS
Attorney General

March 12, 1946

To Lester E. Brown, Chief Warden, Inland Fisheries and Game

I have your inquiry of March 7th to which is attached a letter inquiring about the legality of a device to attract fish, which the manufacturer calls a decoy device.

Section 51 of our Fish and Game Laws prohibits "advance baiting," and provides punishment for "whoever deposits any meat, bones, dead fish or parts of the same, or other food for fish in any of the inland waters of the state, for the purpose of luring fish." It is the deposit of food that is prohibited. The device which is the subject of the inquiry is not a deposit of food. It involves the submersion of a glass jar with a perforated cover with live minnows in the jar, which would attract the fish to the jar or in the immediate vicinity thereof. I do not believe that the use thereof would, strictly speaking, be a violation of our act.

However, before we give anyone any advice with regard to the sale of some article, we should consider whether the same violates the spirit of our law and whether it is opposed to good sportsmanship. If it does violate these principles, we should refuse to give them any advice which would encourage them to put the same on the market, as we may want the legislature coming in thereafter to prohibit its use.

ABRAHAM BREITBARD
Deputy Attorney General

March 26, 1946

To Stanton S. Weed, Director, Division of Motor Vehicles

Re: Registration Fees of Motor Vehicles Hired for Operation by the Lessee

Your inquiry of February 26th relates to the registration fees for vehicles which are owned by a so-called truck-leasing corporation and which are hired out to persons desiring to use the same in connection with their own business. It is stated that the lessee under the renting agreement agrees not to carry passengers for hire. Under Section 15 of Chapter 19, Subdivision B., it is provided that motor vehicles "used for livery or hire, (pay) double the above fees." The fees enumerated in Subsection A. are the fees for passenger cars, based on the horsepower of the vehicle.

The information contained in the letter addressed to the Registry of Motor Vehicles by the operator of the truck-leasing corporation under consideration is that the corporation maintains a number of vehicles which it lets under contract, specifying the use which is to be made thereof by the lessee in the course of his business.

Such vehicles clearly come within the provisions of Subsection B., being used by the owner "for livery or hire," and the fees for registration are double the amount for passenger cars of the same horsepower.

This ruling applies to all owners of cars for livery or hire, whether individual, partnership, or corporation.

ABRAHAM BREITBARD
Deputy Attorney General

March 27, 1946

Lt. Francis J. McCabe, Maine State Police
Re: Motor Vehicle Law

Receipt is acknowledged of your memorandum of March 18th, wherein you ask whether a truck with a Massachusetts registration can lawfully transport building material from South Portland, Maine, to Waterville, Maine. This material is removed from structures being wrecked, and it is being transported to Waterville to be used in the erection of other buildings. You say that the work is being done by the government of the United States, although the truck is privately owned.

I am of the opinion that this truck is being illegally operated. Under the Reciprocity Law enacted in 1945, Chapter 342, Subsection IV, a motor vehicle owned by a non-resident and registered in accordance with the laws of the State of his residence, is allowed, without registration under our laws, to transport merchandise and material over our highways from a point in said foreign State to be delivered in our State, or to accept delivery here and transport it to such foreign State. That is not what this foreign registered truck was engaged in doing.

Section 27, Subsection B of Chapter 44, R. S. 1944, is not applicable. The exception there provided for dispenses in those cases with obtaining a certificate from the Public Utilities Commission before commencing operations. It has nothing to do with the registration of the vehicle.

This vehicle could not perform the service it was engaged in doing, without being first registered in this State.

ABRAHAM BREITBARD
Deputy Attorney General