

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

"There shall not be used on or in connection with any motor vehicle a spotlight so-called . . . except that such spotlight may be used for the purpose of reading signs and as an auxiliary light in case of necessity when the other lights required by law fail to operate."

I believe that the intent was not only to prohibit the use of, but to limit the number of spotlights that may be attached to an automobile. Hence I advise you that this statute would be violated if more than one spotlight were affixed to the motor vehicle.

ABRAHAM BREITBARD
Deputy Attorney General

November 4, 1947

To Laurence C. Upton, Chief, Maine State Police
Re: Chapter 320, P. L. 1947

This department acknowledges receipt of your memo of October 27, 1947, which is in part as follows:

"Reference is made to the above named law relating to the regulation of spot, fog, or auxiliary lights.

"The last sentence of this law provides: 'This section shall not apply to ambulances, police and fire department vehicles, vehicles engaged in highway maintenance, wreckers and public utility emergency service vehicles.'

"We would like your opinion on the exact meaning of '—police and fire department vehicles—'. We have two specific questions in mind: (1) Would this include vehicles used by volunteer firemen? There are two problems presented, one where the municipalities pay mileage for the use of the vehicle, and the second where the vehicle is furnished gratis. (2) Would it include vehicles used by fire investigation and inspection services, such as the Bureau of Fire Prevention, Inspection and Investigation of the State Insurance Department?"

The vehicles above mentioned in categories one and two are excluded from the operation of the excepted vehicles contained in the sentence quoted. The words "police and fire department vehicles" are well understood to mean the vehicles of an organized police or fire department, belonging to the department. In the case of a fire department, it would include not only the fire-fighting apparatus and equipment, but also the vehicles used by the fire chief and his deputy, provided by the municipality as department vehicles. It would not apply to the private pleasure cars used by volunteer firemen. In other words, it would not include a vehicle used for pleasure or business and when the occasion demands it, to go to a fire, but relates solely to vehicles built, equipped and used solely in the extinguishment of fires.

ABRAHAM BREITBARD
Deputy Attorney General