

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

in Mantle Lake in Presque Isle, I believe that someone would take the case to court. The injustice of the Resolve is so obvious that it is my opinion that you could not enforce the rule and regulation, if you should promulgate it.

RALPH W. FARRIS  
Attorney General

July 12, 1949

To Col. Francis J. McCabe, Chief, Maine State Police  
Re: Warrant—Excess Weight of Vehicle

Your memo of July 9th received, together with warrant from the Old Town Municipal Court which alleges that the respondent named in said warrant "did drive and operate a certain motor vehicle to wit: a truck tractor and semi-trailer attached, upon and along a certain public way to wit: U. S. Highway No. 2 in the Town of Milford, County of Penobscot, the gross weight of said vehicle and load exceeding fifty thousand pounds, to wit: 1,430 lbs. (one thousand four hundred and thirty pounds).

I note that Lt. Herbert Mariner states that the attorneys for the respondent take exceptions to the phraseology of the warrant.

If I were phrasing the warrant I should have the last part of same read: "the gross weight of said vehicle and load exceeded fifty thousand pounds, to wit, fifty-one thousand four hundred thirty pounds, an excess of one thousand four hundred thirty pounds." The words in the Old Town warrant, "to wit: 1,430 lbs.," might indicate that that was the total load. Of course the word "by" might correct this; but I feel that the proper wording should be as I have outlined it above.

In regard to the second point raised by the attorneys for the respondent concerning the language of the statute, "10% up to 15,000 lbs. and 5% over 15,000 lbs.," they claim that they should be allowed 5% on their 50,000 registered gross. As subsection VI of Section 15 provides that no motor vehicle of either a single unit or combined unit shall be operated on the highways with a load that exceeds 50,000 pounds gross weight of vehicle and load, it is my opinion that the statute is not inconsistent relating to percentages under 50,000. . .

RALPH W. FARRIS  
Attorney General

July 14, 1949

To Honorable Frederick G. Payne, Governor of Maine

Re: Appointments to Aeronautics Commission under Chapter 389, P.L. 1949

It is my opinion that the language in Section 4 of the above Act, to the effect that the three members who shall be appointed shall be in no way connected with the aviation industry, means the industry in the State of Maine, and that the intent of the legislature was to prevent the appointment of a Commissioner who was interested in the industry in Maine, which would be under the supervision of the Commission of which he would be a member.

RALPH W. FARRIS  
Attorney General