

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

May 23, 1950

To Col. Francis J. McCabe, Chief, Maine State Police
Re: Operation of Farm Tractors without License

In your memorandum of May 5, 1950, you ask the following questions:

1. Is it permissible for a person who has been convicted of Manslaughter and whose right to operate a motor vehicle has been suspended by the Secretary of State, under Section 122 of the Motor Vehicle Laws, to operate a farm tractor, as provided in Section 13 of the Motor Vehicle Laws?
2. Does Section 13 of the Motor Vehicle Laws regarding the operation of farm tractors without license or registration apply to the owner's relatives or hired man?
3. If a person's right to operate motor vehicles is suspended after such person has been convicted of Drunken Driving, is he permitted to operate farm tractors under Section 13 of the Motor Vehicle Laws?

The Attorney General and I have conferred on your memorandum and have arrived at the following conclusions:

1. We believe that the action taken by the Secretary of State under Section 122 of the Motor Vehicle Laws in revoking a license upon conviction of manslaughter refers to the right to operate a motor vehicle on the public ways of this State, and that since no registration or license is required for the operation of a farm tractor when the same is used solely for farm purposes pursuant to the provisions of Section 13, an individual whose license has been revoked may operate a farm tractor within the limits of Section 13.
2. Farm tractors may be operated without license or registration by the owner's relatives or hired men from or to the premises where the tractor is kept, to or from a farm lot and between farm lots used for farm purposes, by the owner, meaning the owner of both the tractor and the farm.
3. The answer to Question 1 would be the same for Question 3.

JOHN S. S. FESSENDEN
Deputy Attorney General

May 23, 1950

To Fred L. Kenney, Director of Finance, Department of Education
Re: §92-D, Chapter 37, R. S. 1944

Reference is made to your memorandum of 31 March, 1950, in which you ask an interpretation of the phrase "exclusive of refundings" as it appears in Section 92-D of Chapter 37, R. S. 1944. You ask whether or not this wording "might permit the establishing of indebtedness with *no limit* by calling certain series of bonds for payment, issuing new bonds to cover refunding and then proceeding to issue more bonds to make up the maximum of 5% of the total valuation of all the participating towns."