

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

July 26, 1951

To Lester E. Brown, Chief Warden

Re: Archery Licenses

Your memo of July 12, 1951, in which you inquire whether the Commissioner has authority to pay the sum of 25 cents as agent's fee for issuing licenses under section 96-B, Chapter 350, Public Laws of 1951, has been received.

Chapter 350, Public Laws of 1951, is an act relating to hunting deer with bow and arrow. Section 96-B is the pertinent license section, and states that the fee for such license shall be \$4.25 for hunting deer by residents of this State and \$10.25 for hunting deer by non-residents. While the ordinary statutory provisions relating to licenses issued for hunting deer provide that the issuing agent retain 25 cents of the fee, the section being discussed contains no such provision.

However, it is stated in Section 96-B that "Archery deer tags shall be issued for use in the same manner as regular deer tags." We interpret this sentence to mean that deer tags and licenses issued to persons hunting with bow and arrow will be issued in the same manner as regular deer tags; that is, issued by the party regularly designated to issue such licenses, and that the 25 cent fee will be retained by the issuing agent.

Therefore, it is our opinion that the Commissioner has authority to pay the sum of 25 cents as agent's fee for issuing licenses under Section 96-B, Chapter 350, Public Laws, 1951.

JAMES G. FROST  
Assistant Attorney General

July 27, 1951

To Francis J. McCabe, Chief, Maine State Police

Re: Hand Signal Law

Your memo of July 23, 1951, requests an opinion as to which vehicles, if any, are exempt from the signal requirements of Chapter 301, Public Laws, 1951.

Chapter 301, Public Laws, 1951, amends Chapter 19 of the Revised Statutes by adding three new sections.

Section 107-A, Chapter 301, Public Laws, 1951, states:

"No person shall so turn any vehicle designed for the purpose of transportation of persons, other than buses, without giving an appropriate signal in the manner provided in this section and sections 107-B and 107-C in the event any other traffic may be affected by such movement."

Under Section 1, "Definitions", Chapter 19, R. S. 1944, as amended, "'motor truck' shall mean any motor vehicle designed or used for the conveyance of property."

As distinguished from "motor truck", which is a vehicle designed or used for the conveyance of property, a vehicle designed for the purpose of transportation of persons is generally a passenger vehicle.

We are of the opinion, therefore, that as trucks are peculiarly vehicles designed or used for the purpose of transportation of property, and not for

the transportation of persons, they are excluded from the requirements of the Act.

JAMES G. FROST  
Assistant Attorney General

July 27, 1951

To Honorable Frederick G. Payne, Governor of Maine  
Re: Fees of Secretary of State

This memo is in response to a letter to your Excellency from Lewis I. Naiman, attorney at law, Gardiner, Maine, which letter was submitted to this office for consideration.

The Secretary of State has promulgated a rule and regulation, approved by the Governor and Council, that:

“Information for commercial purposes other than the name and address of an owner or his registration number will not be furnished except to state prosecuting attorneys or enforcement officials unless the request is accompanied by a fee of twenty-five cents for each individual look up.”

Mr. Naiman questions the legality of this regulation, citing Chapter 19, Section 5, R. S. 1944, which makes such records public; Chapter 18, Section 6, the section establishing certain fees; and Chapter 19, Section 8, which authorizes the Secretary of State to make such rules and regulations not inconsistent with other laws. Mr. Naiman states that it is his belief that the establishment of Fees and charges is a legislative function, and there not being legislative enactment authorizing such 25 cents for information pertaining to motor vehicle applications and registration, then this regulation is unlawful and unenforceable.

Relative to this question, we direct attention to Section 33, Chapter 14, R. S. 1944, which reads as follows:

“Sec. 33. Fees not provided for. R. S. c. 126, §24. In cases not expressly provided for, the fees of all public officers, for any official service shall be at the same rate as are prescribed by law for like services.”

It is our opinion that the Secretary of State had authority, under Section 33, Chapter 14, R. S. 1944, to establish a fee for the services performed in that office.

In having such regulation approved by the Governor and Council, the Secretary of State was adhering to the requirements of Section 8, Chapter 19, R. S. 1944.

Such fee could properly be authorized under Section 8, Chapter 19, R. S. 1944, as it was not inconsistent with other laws, Section 33, Chapter 14, R. S. 1944, having provided for such fee.

JAMES G. FROST  
Assistant Attorney General