

MAINE STATE LEGISLATURE

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To the Governor and Council and the Insurance Commissioner
Re: Comprehensive Automobile Liability Insurance

Question 1 is whether or not the motor vehicles owned by such quasi-governmental entities as the Maine Turnpike Authority, the Maine Maritime Academy, and Maine-N.H. Interstate Bridge Authority, etc., are eligible for free registration under Section 13, Chapter 19, of the Revised Statutes of 1944.

Answer. Yes.

Question 2. If eligible for free registration, should the Governor and Council insist that such vehicles be included in the State's liability insurance?

Answer. No.

- (a) Maine Turnpike Authority (est. 38 vehicles);
- (b) Maine Maritime Academy (est. 6 vehicles);
- (c) Maine-N.H. Interstate Bridge Authority (est. 5 vehicles).

By P&SL 1941, c. 69, sec. 4, the Maine Turnpike Authority was created a body politic and corporate. In Section 18 of the same chapter it is provided:

"It is hereby declared that the purposes of this act are public and the Authority shall be regarded as performing a governmental function."

In the Opinion of the Justices of the Maine Law Court (146 Maine 249, 256), the Court held that the Maine Turnpike Authority is not a State department.

The Act creating the Maine-N.H. Interstate Bridge Authority (P&SL 1937, c. 18) in Sections 1 and 16 contains similar provisions.

The Maine Maritime Academy is also created a body politic and corporate by P&SL 1941, c. 37, sec. 1, as amended by P&SL 1941, c. 102. By Chapter 24, ~~IX~~ P&SL 1947, the Maine Maritime Academy is declared to be a "public agency of the State of Maine".

Section 13 of Chapter 19 of the Revised Statutes provides for free registration of all motor vehicles owned by the State, by municipal corporations and by state governmental agencies.

By reason of the governmental powers of the Maine Turnpike Authority, the Maine-N.H. Interstate Bridge Authority and the Maine Maritime Academy, in our opinion they severally are entitled to have their motor vehicles registered by the State without paying a fee therefor.

Section 12 of Chapter 11 of the Revised Statutes provides that:

"all fire and liability insurance on public buildings and property belonging to the state shall be placed thereon by the several heads of departments having said property in charge, or by the Governor and Council, and all expense therefor shall be paid from the several appropriations for insurance on said property. . ."

None of the bodies politic and corporate mentioned, viz.: Maine Turnpike Authority, Maine-N. H. Interstate Bridge Authority and Maine Maritime Academy, is a State department.

The properties in question, viz.: motor vehicles severally held by these bodies politic and corporate, are not in charge of the head of any State department.

No funds have been appropriated for the use of any State department in paying for insurance on such vehicles.

For the reasons heretofore set forth, the motor vehicles of the Maine Turnpike Authority, the Maine--N.H. Interstate Bridge Authority and the Maine Maritime Academy are entitled to free registration by the State; but, being without the scope of the statute relating to insurance on State-owned property, they may not be included in the policy covering State-owned property.

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Attorney General

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