

# MAINE STATE LEGISLATURE

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April 30, 1954

To Marion Wescott, Dealer Clerk, Motor Vehicles  
Re: Dealer Registration Board - Limitation on Powers

I have your memorandum of April 26th asking for advice as to taking a certain matter before the Dealer Registration Board or to whatever course of action your Division should take.

There are four grounds for suspension of dealers' license plate rights. They are expressed in Section 19-F of Chapter 19, more commonly known as the Motor Vehicle Law, and are as follows:

" I. On proof that dealer no longer maintains a permanent place of business for buying and selling motor vehicles.

" II. On proof that dealer is no longer principally engaged in the business of buying and selling motor vehicles.

" III. On proof that dealer has failed to keep and submit any records provided for by law.

" IV. On proof that dealer has been convicted of a violation of any of the provisions of sections 19 to 19-I, inclusive."

None of the allegations made by Trooper Clifford comes within any of these grounds. We must at all times be aware that the power of the Dealer Registration Board is necessarily limited to the above four grounds. There is no indication that Mr. Silverman has breached any of them, and therefore it would be my opinion that this board would be without authority to cancel his dealer registration plate privileges on this memorandum.

Now the investigation by Trooper Clifford seems to indicate that there were some dealings with one David B. Millman, proprietor of Dave's Calso station, who holds an authorization from your department to issue stickers for automobiles. There may be also some evidence of a conspiracy between Mr. Silverman and Mr. Millman. If that is true, that is a matter for the County Attorney.

We would also point out that Mr. Silverman may have breached the law, and refer you to paragraph five of Section 35, which provides that no dealer in new or used motor vehicles shall permit any such vehicle, owned or controlled by him, to be released for operation upon the highways until it has been inspected as herein provided and a proper sticker certifying such inspection placed thereon.

Mr. Millman's license to inspect may be terminated if the trooper can bear out his allegations and would request a hearing to determine the facts, for under Section 36 of Chapter 19, the Secretary of State may suspend or revoke any license issued to any official inspection station.

Roger A. Putnam  
Assistant Attorney General

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