

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1955 - 1956

Such fire insurance policy must be a basic policy.

This would not prohibit riders granting extended coverage to other risks.

While Section 31 is entitled, "Multiple line insurance," such title is not the law and in the present instance it does not appear to be related to the content or intent of the section, if multiple line insurance is interpreted to mean inclusion of two or more types of coverage in one policy. Such section merely states that if a foreign corporation is authorized to write one or more of certain types of policy, then it may, with specific exceptions, write all kinds of coverage. It nowhere indicates that several types of coverage may be included in one policy, and, more particularly, does not, expressly or by implication, authorize a fire policy to be included in a multiple line policy, so called, by way of a slip or rider.

JAMES GLYNN FROST
Deputy Attorney General

November 13, 1956

To Honorable Harold I. Goss, Secretary of State

Subject: Dual Headlights

We have your memorandum of October 4, 1956, in which you ask our opinion as to whether or not a dual headlight system on motor vehicles violates the present Maine law covering that subject.

Chapter 22, Section 43, R. S. 1954, contains the law with respect to headlights, and that portion which relates to your question reads as follows:

"Every motor vehicle and tractor on wheels, other than a motor-cycle or motor driven cycle, shall have mounted on the front thereof a pair of lamps, one on the right side and one on the left side, each of approximately equal candle power;"

Other portions of Section 43 define the candle power of the headlamps, their height above the ground, the manner in which the beam shall be controlled, etc.

The dual headlight system which gives rise to your question consists of two headlighting units, one mounted on each side of the car. Each headlighting unit includes two beam lights mounted in a single housing, and the system provides for both a lower or passing beam and an upper or driving beam.

In further clarification of this system we quote from a description prepared by the Automobile Manufacturers Association:

"Passing Beam

One of the lamps contains two filaments. In this lamp a filament located at the focal point of the reflector provides all of the light for a carefully controlled passing beam."

"Driving Beam

The other lamp contains a single filament also mounted at the focal point of the reflector. This filament is the primary source of the light providing the driving beam. The balance of the driving beam light is provided by the second filament in the two filament lamp. These filaments, when lighted, are so coordinated as to provide a single well-placed beam for open-road driving."

"Physical Characteristics

Each lamp in the dual headlighting system will have a diameter of 5¾" as compared with the present 7" lamps. The construction of the lamps will be similar to the present sealed beam construction.

Lamps with single filament will be interchangeable regardless of source. Lamps with two filaments will likewise be interchangeable regardless of source. Single filament lamps will not be interchangeable with two filament lamps."

"The wattage in the new system has been increased over the present system. The lower beam wattage is increased from 80 to 100 and the upper beam wattage is changed from 100 to 150. Maximum candlepower has not been increased and remains at 75,000, as presently specified."

It is alleged that the dual headlighting system is a distinct improvement over the present system, of a single light containing both high and low beams, which beams can only be used one at a time, one such light being on either side of the car.

Question: The question presented is, then, whether or not a dual headlight system, as above described, violates our present law.

Answer: No. This answer is, of course, conditioned upon the system's being subject to such rules and regulations as may have been promulgated, or will be promulgated, by the Secretary of State relative to the operation of such headlights.

In interpreting a statute designed to afford protection to the public, such statute should be liberally construed to effectuate the intent of the Legislature.

As above stated, the proposed system of headlights is an improvement over the present system and was developed by the motor vehicle and lamp manufacturers in cooperation with the American Association of Motor Vehicle Administrators.

In the present commonly known system of headlighting there is, of course, a single seal beam unit on each side of the car. Within each seal beam unit are elements which perform a dual function: a driving beam and a passing beam.

The proposed dual headlighting system is a separation of these functions, formerly combined, in one seal beam light, into two seal beam lights, one reflector and lens used on each side of the vehicle for passing beam, and both units of the system in use on high or driving beam.

This system comes within the definition of pair.

"Primarily, 'pair' means 'two things of a kind, similar in form, identical in purpose and matched together.'"

Heywood v. Syracuse R. T. Ry. Co., 152 F. 451.

The word "pair," as used in the statute, refers not to a single lens unit or a double lens unit, but to a headlight system which consists of identical component parts, one on each side of the car, so designed that they meet the requirements set forth in the statute with respect to candle power, aiming, etc., and also comply with the requirements of the Secretary of State.

It could be argued, if this statute is to be narrowly construed, that a dual function in a single lamp or light is not permitted under a statute that requires "one" light on either side of a car; that a single light containing both a high and

a low beam would violate the statute. A reasonable construction of such statute would not, however, permit such a narrow interpretation.

Nor should the fact that those two functions may be separated into a dual unit call for any different interpretation. If the low beam section of the unit were to be eliminated, then the system would be inadequate, because the driver would be unable to comply with another section of our law which contemplates the dimming of lights upon passing another approaching car, and the provisions which generally require that the headlighting equipment be sufficient to adequately illuminate the road while such vehicle was being driven at night time at permissible speeds and at the same time not causing any danger or inconvenience to the driver of an approaching vehicle.

Are we to say that, because this low beam is added to the system of lighting by being separated from the high beam section of the unit, the lights are then illegal? We think not. As above stated, we believe that the dual headlight comes within the definition of "pair," as used in Section 43, Chapter 22, R. S. 1954.

JAMES GLYNN FROST
Deputy Attorney General