

# MAINE STATE LEGISLATURE

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May 1, 1939

Honorable Clarence Parker  
State House  
Augusta, Maine

Dear Senator Parker:

This is in reply to your oral request for an opinion regarding the constitutionality of L. D. 1228 entitled "An Act Relating to Parking in Municipalities."

The act sets out rules of evidence regarding parking as follows: ". . . providing the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered; . . ."

Applying the tests relating to prima facie presumptions as set forth in Wiley v. Gunn-Higley Co. 151 Me. 480, this bill would in my opinion be unconstitutional for the same reasons set forth in the Wiley case, to wit, the due process clauses of our State and Federal Constitutions.

Very truly yours,

Frank E. Hancock  
Attorney General

CBH