

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

March 8, 1962

To: Stanton S. Weed, Director of Motor Vehicle Division, Secretary of State

Re: Registration Fee Requirements of Certain Academies

"Registration of a vehicle used for Driver Education purposes, in the name of Robert W. Traipp Academy of Kittery, Maine, has been held in this office awaiting the fee of \$15.00."

"The vehicle was apparently loaned by an automobile dealer to the Academy for driver education purposes."

"Will you please give us, in written form, your interpretation as to the requirement of registration fee in the case of Traipp Academy, also a statement concerning any other schools of this nature which may be operating under the 'joint committee', in relation to payment of registration fees on vehicles used under driver education and on loan from an automobile dealer."

It is the opinion of this office that Traipp Academy does not have to pay the registration fee.

Revised Statutes, Chapter 22, section 13, paragraph 15, provides in part:

" . . . all motor vehicles loaned by automobile dealers to municipalities for use in driver education in the secondary schools shall be registered but shall be exempt from the provisions of this chapter as to payment of registration fees. . . . "

Revised Statutes, Chapter 41, section 105, provides in part:

"Such joint committee shall consist of the superintending school committee or school directors of said administrative unit and an equal number of the trustees of the academy. Said joint committee shall be empowered to select and employ the teachers for the academy, to fix salaries, to arrange the course of study, to supervise the instruction and to formulate and enforce proper regulations pertaining to other educational activities of the school."

In this state we have a number of municipalities which do not maintain secondary schools. In some of the municipalities there are academies or private schools that are utilized by the municipalities as secondary schools. The legislature has recognized this fact and has authorized the municipalities to join with the board of trustees in the operation of the educational facilities of the academy.

It is to be noted that a joint committee composed of an equal number of so-called "towns people" and trustees of the academy employ the teachers, fix their salaries and "arrange the course of study" and "supervise the instruction."

It cannot be denied that the joint committee has arranged a course of driver education. The same committee is empowered to "supervise the instruction." It would be absurd to say that the joint committee would arrange a course of driver education and supervise its instruction without having a motor vehicle and having control of said motor vehicle.

It must be concluded that the control of the automobile used for driver education is under the joint committee and not the trustees of the academy. Such being the case, it is reasonable to say that the motor vehicle is in effect loaned to the municipality for driver education use.

GEORGE C. WEST

Deputy Attorney General