

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

certain conditions. 3) Section 7, II, provides for a *disability retirement allowance* as a result of injuries received in the line of duty.

Hence, it follows that a member who receives a retirement allowance of any nature has entered the state of "retirement." The member has reached "attainment of eligibility for retirement" (section 12) when he first receives a retirement allowance.

It then follows that he cannot be said to have reached "attainment of eligibility for retirement" if he becomes entitled to a *service retirement allowance* upon age 60 while a recipient of a *disability retirement allowance*.

The member is, therefore, not eligible to exercise the options enumerated in section 12.

GEORGE C. WEST

Deputy Attorney General

September 30, 1963

To: Captain Ralph E. Staples, State Police — Div. Spec. Ser.

Re: Interpretation of Special Mobile Equipment as applied to Registration of Dump Trucks

Facts:

A dump truck is used exclusively for the transportation of earth on that portion of the highway actually under construction.

Question:

Is a dump truck which is used for the transportation of earth on that portion of the highway actually under construction only considered as Special Mobile Equipment?

Answer:

No.

Reason:

Chapter 22, section 16, provides in part:

"The annual fees for registration and licensing of vehicles shall be in accordance with the following schedule

III. Trailers.

"Special mobile equipment, which is permanently mounted on a traction unit or motor chassis, shall be registered and a fee of \$10 shall be paid for such registration in lieu of all other registration fees. Registration under the provisions of this paragraph shall not include any vehicle which may be used for the conveyance of property except hand tools or parts which are used in connection with the operation of such equipment, *except that road construction or maintenance machinery coming under the definition of special mobile equipment may be used for the transportation of earth on that portion of the highway actually under construction.* Such special mobile equipment may be operated unloaded over the highway between construction projects and to or from the place where such vehicles are customarily kept, if a permit for such movement is first obtained in accordance with section 98." (Emphasis supplied).

What is special mobile equipment? Chapter 22, section 1, has the following definition:

“‘special mobile equipment’ shall mean *every self-propelled vehicle not designed or used primarily for the transportation of persons or property* and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone-crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers, and wood-sawing equipment used for hire. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;” (Emphasis supplied).

A reading of the underlined portions clearly indicates that dump trucks are not within the definition of Special Mobile Equipment. Dump trucks are self-propelled vehicles designed for and used primarily for the transportation of property.

GEORGE C. WEST
Deputy Attorney General

October 3, 1963

To: Frank T. Kelly, R. S., Executive Secretary, Board of Hairdressers

Re: Registration Fee for Students of Schools of Hairdressing and Beauty Culture

Facts:

Under an amendment to the laws relating to hairdressers passed in 1963, the State Board of Hairdressers has ruled that all students enrolling on or before September 20, 1963, shall have the right to complete their training provided that they have filled out and returned to the Board an application with a fee of \$3.00 for a certificate of registration as students.

Five students in a school of hairdressing and beauty culture have questioned the ruling of the Board.

The Board has asked three questions which will be stated and answered separately after the general question is answered.

Question:

Is the Board correct in ruling that students already enrolled in a school prior to the effective date of the law must register and pay the fee required under the new law?

Answer:

No.

Reason:

P. L. 1963, chapter 158, section 6, adds three new paragraphs to chapter 25, section 222. The third added paragraph reads as follows:

“Students to be accepted shall have reached at least the age of 16 and have completed the 10th grade in a secondary school. An enrollment record of each *new* student admitted to a school shall be sent to the secretary of the board on the first day of each month, accompanied by a registration fee of \$3 for each *new* student. The