

MAINE STATE LEGISLATURE

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October 9, 1963

Captain Ralph E. Staples, Director

Div. Special Services, M.S.P.

George C. West, Deputy

Attorney General

Interpretation of Chapter 22, Section 97

FACTS:

Chapter 22, section 97, provides for the movement of certain type vehicles over ways and bridges upon obtaining a permit issued under section 98. One sentence in section 97 reads:

"Mowing machines, light farm tractors, not customarily operated over public ways, and other lightweight farming vehicles are exempted from the provisions of this section."

QUESTION:

Are potato harvesters, hay balers, etc., to be considered as lightweight farming vehicles?

ANSWER: We do not answer the question.

REASONS:

Section 97 was originally enacted by Public Laws 1921, chapter 211, section 16. The general tenor of the section has not changed in 42 years other than the addition of a clause concerning transportation of poles and applicability to holders of transit registration certificates.

The sentence to be interpreted has not been changed in any way. There has, however, been considerable change in farm vehicles in the past 42 years. Many vehicles in use today were unknown at the time this section was written. Probably most of the farm vehicles in use in 1921 no longer exist today. Only the law remains. This should be changed, even as the times.

If objects have either excessive lengths, or widths, or heights, or weights, they must have permits to move over a way or bridge.

Captain Ralph E. Staples

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October 9, 1963

In substance, the question asked is whether the State Highway Commission should issue permits to move certain farm machinery over ways and bridges. This appears to be a question of judgment. The legislature saw fit to give this problem to the State Highway Commission. This office cannot substitute its judgment for that of the Highway Commission.

George C. West
Deputy Attorney General

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