

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

In short, section 50-A provides that an employee upon termination of employment shall be paid in full. This would appear to cover any and all forms of compensation due the employee at the end of his employment.

GEORGE C. WEST

Deputy Attorney General

July 13, 1964

To: Joseph T. Edgar, Deputy Secretary of State

Re: Voting Registration by a Minor

Facts:

A resident of the State who is now 20 years of age will become 21 before the November election. He is a college student and will be out of State at the time he becomes 21. He wishes to register now so he can vote in the November election.

Question:

May a minor who will be 21 years of age on or before election register while still a minor?

Answer:

Yes.

Opinion:

The above question is not clearly and positively answered in our statutes. The nearest to a direct answer appears to be chapter 3-A, section 80 III. This provision relates to office hours of the registrar of voters on election day. In part it provides:

"He shall accept the registration of a person who becomes 21 years of age on election day or after the close of registrations prior to it, in any municipality."

This provides for the registration of voters who become of age on election day or in the few days prior thereto when the office of the registrar is not open. It can be reasoned that by such a provision the legislature intended that no person can register until he actually becomes 21 years of age. However, section 10 must be considered.

"A person may register as a voter by appearing before the registrar, proving that he is *qualified as provided in section 24, subsections I to IV, and filing an application provided by the registrar containing the information required by section 23.*

"II. . . . The register shall place the name of the applicant on the voting list *as soon as he has qualified.*" (Emphasis supplied). Section 24, referred to above, states:

"A person who meets the following requirements *may vote in any election in the municipality in which his residence is established.*" (Emphasis supplied).

There follows five requirements: (1) Citizenship; (2) Ability to read; (3) Age — "He must be at least 21 years of age." (4) Residence; (5) "Must be registered to vote in the municipality." Thus, a voter must be 21 years of age on or before election day to vote. By section 10, to register he must be qualified by section 24 to vote on election day.

Further, section 10, II, provides as quoted above, that the applicant's name shall be placed on the voting list "as soon as he has qualified."

It appears that the legislature has tried to make provision that each person who may be eligible to vote on election day will be given an opportunity to exercise his franchise. Hence, it is apparent that a minor may register although his name cannot be placed on the voting list until he reaches the age of 21 years.

Note: The same reasoning can be applied to the matter of residence.

GEORGE C. WEST

Deputy Attorney General

July 14, 1964

To: Paul A. MacDonald, Secretary of State

Re: Use of Used Car Dealer Plates on Motorcycles

Facts:

A used car dealer has been using his dealer plates on motorcycles. It is not certain whether the motorcycle was being offered for sale.

Question:

May a dealer use his dealer plates on a motorcycle?

Answer:

No.

Opinion:

Such practice is contrary to the statutes. Chapter 22 contains the motor vehicle laws. All references to sections herein are part of said chapter.

Section 26 makes references to "motor vehicles" and "vehicles." Section 1 in its definition of "motor vehicle" includes motorcycles by specific reference. This would appear to give credence to the claim that a used car dealer may use his plate on a motorcycle. However, it is necessary to consider all the motor vehicle laws and not one or two sections.

Section 1 also contains a separate definition of a motorcycle. Section 16, IV, sets up a fee for registration of a motorcycle. Section 64 provides for a separate license to operate motorcycles. The license to operate a motor vehicle does not carry authorization to operate a motorcycle. Section 33 provides for a fee to be paid upon transfer of ownership and registration of a different motorcycle. All of these sections taken together indicate a legislative intent to treat motorcycles differently from other motor vehicles. In addition to all the foregoing, the legislature has also enacted section 30 providing for motorcycle dealer plates.

"Every manufacturer or dealer in motorcycles shall annually pay a fee of \$15 for a registration certificate to handle, demonstrate, sell and exchange motorcycles. The Secretary of State shall furnish the manufacturer of, or dealer in, motorcycles with 3 sets of distinguishing plates free of cost and additional sets for \$5 per set."

This section clearly indicates the legislative intent that motorcycle dealers shall have their own dealer plates separate and distinct from other motor vehicle dealer plates.