

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

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.

There can be no other conclusion than that used or new car dealer plates cannot be used on motorcycles.

GEORGE C. WEST
Deputy Attorney General

July 30, 1964

To: Paul A. MacDonald, Secretary of State

Re: Registration of Tractor Unit owned by nonresident

Facts:

A Massachusetts corporation with vehicles registered in Massachusetts, operates an interstate trucking business from a point outside the state to a point inside the state and return.

On occasion, however, in order to keep the same driver on the same tractor, a driver will bring a semi-trailer load from Presque Isle, for example, to Portland, and meet a driver bringing a load of merchandise in from New York. They will switch semi-trailers and the Massachusetts registered tractor returns to Presque Isle with the semi-trailer load of merchandise that was picked up in Portland.

Question:

Is this operation of such an intrastate character as to require registration in Maine?

Answer:

Yes.

Opinion:

The applicable statutory reference is C. 22, s. 67. This section provides for reciprocity with those states which grant like privileges as determined by the Secretary of State. An exception is contained in subsection IV in this language:

"No truck, tractor or trailer owned, leased or operated by a nonresident shall be operated under this section in transportation of merchandise or material in intrastate commerce, nor in interstate commerce unless the point of actual receipt or delivery of any merchandise or material so transported is without the State. Except that a nonresident owned semi-trailer operated by a Maine registered power unit shall be permitted to transport merchandise or material in intrastate commerce."

Whether a given activity is "intrastate" commerce or "interstate" commerce has for years been the subject of many court cases. Hundreds of opinions have been written by hundreds of judges, state and federal. There is no clearly defined line that can be easily discerned by the human eye or mind. Each case apparently must be determined on its own facts and merits.

Here we are faced with a license problem. Licenses are privileges granted by the state. They are subject to change by legislative act. Each legislature may grant, withhold, limit, expand or rescind the privilege. Running through the legislative right to regulate motor vehicle licensing, however, is the thread of the federal power to regulate interstate commerce