

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

October 13, 1964

To: Paul A. MacDonald, Secretary of State

Re: Eligibility for Dealer Plates of Farm Machinery or Heavy Equipment Dealers.

Facts:

Certain dealers in farm machinery or heavy equipment buy and sell self-propelled vehicles as part of their businesses.

Question:

May farm machinery dealers or heavy equipment dealers who buy and sell self-propelled vehicles as part of their businesses be entitled to dealer registration plates for use on the self-propelled vehicles?

Answer:

See opinion.

Opinion:

R. S. Me. 1954, c. 22, § 26, as amended sets forth the criteria which an applicant must meet to obtain dealer registration plates. There is no reference in § 26 to the type of motor vehicle which must be bought and sold by the applicant. A motor vehicle is defined by R. S. Me. 1954, c. 22, § 1, as amended, as follows:

“Motor vehicle shall mean any self-propelled vehicle not operated exclusively on tracks, including motorcycles.”

The pertinent part of R. S. Me. 1954, c. 22, § 26 setting forth the criteria for obtaining dealer plates is as follows:

“ . . . The board, if satisfied that the applicant maintains a permanent place of business in the State where said applicant will be engaged in the business of buying and selling of motor vehicles, and is satisfied with the other facts stated in the application, and if satisfied that the applicant meets the minimum standards herein set forth, shall order the Secretary of State to issue a certificate of registration.”

It therefore follows that an applicant is entitled to dealer plates regardless of the fact that he deals in farm machinery or heavy equipment provided he maintains a permanent place of business for the buying and selling of self-propelled vehicles that fall within the definition of a “motor vehicle,” as well as satisfying the dealer board as to the other facts stated in his application and fully meeting the minimum standards set forth in R. S. Me. 1954, c. 22, § 26, as amended.

It should be noted that holders of motor vehicle dealer registration plates are subject to the limitations of the use of said plates established by R. S. Me. 1954, c. 22 § 29.

JEROME S. MATUS

Assistant Attorney General

October 22, 1964

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: “Shared Time” Program