

MAINE STATE LEGISLATURE

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February 26, 1965

Dealer Registration Board

Motor Vehicle

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Attorney General

Limitations of Use of Dealer Plates Issued to Heavy Equipment and Farm Machinery Dealers.

FACTS:

By memorandum dated February 16, 1965, rulings were requested on two questions. For purposes of clarifying the second question submitted, the modifying words "special mobile" and "the conveying" were inserted in that question.

QUESTION # 1:

May heavy equipment and farm machinery dealers who have been issued new car dealer plates for 1965 be allowed to put these plates on their service vehicles?

ANSWER # 1:

Yes, with the limitations set forth in opinion.

OPINION # 1:

Heavy equipment and farm machinery dealers who have received motor vehicle dealer registration plates for 1965 are subject to the same limitations of use established for all holders of motor vehicle registration plates.

The limitations of use are set forth in 29 M.R.S. § 336. Subsection 1 of § 336 provides for restrictions on use for service purposes. The pertinent portion of the subsection states:

* * * * When trucks, tractors or trailers bearing dealer plates are used for service purposes, such use shall be limited to the transportation of articles and materials directly connected with the service or maintenance of motor vehicles and the maintenance of the properties connected and used with such business, and not with the transportation of commodities not so connected or commodities taken in trade in the purchase or sale of motor vehicles."
29 M.R.S. § 336, subsection 1.

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A truck, tractor or trailer bearing motor vehicle dealer registration plates must limit its service use to (a) transportation of articles and materials directly connected with the service or maintenance of motor vehicles or (b) the maintenance of the properties connected and used with such business. Any other service use by a truck, tractor or trailer bearing dealer registration is prohibited.

QUESTION # 2:

May heavy equipment and farm machinery dealers who have one truck or tractor and trailer which is used exclusively for the delivery of special mobile equipment use a new car dealer plate on the conveying vehicle rather than registering it?

ANSWER # 2:

No.

OPINION # 2:

29 M.R.S. § 336, subsection 1, establishes the only permitted uses for motor trucks, tractors or trailers bearing dealer registration plates. The pertinent portion of the subsection provides:

"No motor truck, tractor or trailer registered under section 331 shall be used for other than demonstration, service or emergency purposes. * * * 29 M.R.S. § 336, subsection 1.

If a heavy equipment dealer or a farm machinery dealer uses a truck, tractor or trailer exclusively for delivery of special mobile equipment, he is not using that truck, tractor or trailer for demonstration purposes, or for service purposes, or for emergency purposes. He, therefore, does not comply with the limitations set forth in 29 M.R.S. § 336, subsection 1. Such a dealer must register the truck, tractor or trailer as he could not use the dealer registration plates for delivery of special mobile equipment.

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