

MAINE STATE LEGISLATURE

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Motor Vehicle
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Clarification of term 'horsepower' in 29 M.R.S.A. § 1, subsection 5.

FACTS:

The 1961 Public Laws of Maine, c. 395, § 7, repealed the provision in the State of Maine Motor Vehicle Laws which stated "horsepower specified in this chapter shall be based on the 'A.L.A.M.' standard so called."

29 M.R.S.A. § 1, subsection 5, defines motor driven cycles as follows:

"5. Motor driven cycle. 'Motor driven cycle' shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed 5 horsepower and every bicycle with motor attached."

QUESTION:

Is the horsepower, now used in the definition of motor driven cycles, still based on the A.L.A.M. standard or is the horsepower based on what the engine can develop at certain R.P.M.'s?

ANSWER:

See opinion.

OPINION:

The repeal of the definition of horsepower found in our earlier statutes by 1961 Public Laws of Maine, c. 395, § 7 has left our motor vehicle law without a definition of horsepower. The repeal was brought about by the changing of the criteria for registering motor vehicles from horsepower to a flat fee. Inasmuch as there is no statutory definition of horsepower, the Department of the Secretary of State must establish a workable definition in order to properly administer the motor vehicle laws.

JEM/sll

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