

MAINE STATE LEGISLATURE

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No ✓
September 16, 1965

Kenneth M. Curtis

Secretary of State

Jerome S. Hatus, Assistant

Attorney General

Delegation of Duties of Maine Motor Vehicle Dealer Registration Board to Examine Applications.

FACTS:

29 M.R.S.A. § 295 sets forth the powers and duties of the Maine Motor Vehicle Dealer Registration Board. This section reads as follows:

"It shall be the duty of the board to examine all applications for motor vehicle dealer or transporter registration plates presented to the Secretary of State and, in accordance with this Title, order the Secretary of State to issue or to refuse to issue such motor vehicle dealer or transporter registration plates."

QUESTION:

Could 29 M.R.S.A. § 295 be construed to mean that the Dealer Registration Board could delegate the authority to the Secretary of State to examine applications for motor vehicle dealers or transporter registration plates?

ANSWER:

No.

OPINION:

The language of 29 M.R.S.A. § 295 imposes a mandatory duty of examination of applications upon the Dealer Registration Board which cannot be delegated. The examination of applications and final decision as to the issuance or refusal of issuance of motor vehicle dealer or transporter registration plates are statutory duties imposed solely on the Board. The Secretary of State under 29 M.R.S.A. § 295 has the statutory duty to follow the orders of the Maine Motor Vehicle Dealer Registration Board as to the issuance or refusal of issuance

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of these plates. The Secretary of State's function is purely a ministerial one of issuing or refusing to issue upon order of the Board.

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cc: Stanton S. Weed
cc: State Police