

MAINE STATE LEGISLATURE

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YPS
May 20, 1966

Linwood Ross, Deputy

Secretary of State

Jerome S. Matus, Assistant

Attorney General

Necessity of a valid driver's license to obtain temporary permit to operate a motorcycle.

FACTS:

The following memo was received by this office from the Office of the Secretary of State on May 12, 1966:

"The question has arisen regarding this department's policy of not issuing a temporary permit to operate a motorcycle unless the applicant is at least 16 years of age and is the holder of a valid driver's license. To clarify this subject would you render to me your opinion on the intent of the law as it is written in the last paragraph of 29 M.R.S.A. section 532 which states: 'Any person holding a valid driver's license and who is at least 16 years of age shall be issued a temporary permit for one year to operate a motorcycle until he passes his road test. The fee for the road test shall be \$2.00.'"

As a result of a prior conversation with the Deputy Secretary of State, I have rephrased the question for interpretation.

QUESTION:

May a person over 16 years of age, who does not hold a valid driver's license, issued by any jurisdiction including the State of Maine, be issued a temporary permit for one year to operate a motorcycle until he passes his road test.

ANSWER:

No.

OPINION:

On August 26, 1965, this office rendered an opinion relating to the subject provision of law. Specifically, the portion

of the August 26, 1965 opinion answering question #8 held a valid out-of-state operator's license for a person at least 16 years of age may be honored for purposes of obtaining a temporary permit to operate a motorcycle until the passage of a road test.

We now hold that either a valid out-of-state operator's license or a valid State of Maine operator's license is a condition precedent to the obtaining of a temporary permit to operate a motorcycle until the passage of a road test provided the applicant is at least 16 years of age. A fair reading of the last paragraph of 29 M.R.S.A. § 532 permits no other reasonable interpretation.

Jerome S. Matus
Assistant Attorney General

JSM/eh