

MAINE STATE LEGISLATURE

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Interpretation of 29 M.R.S.A. § 2122, Paragraph 7.

FACTS:

A dealer in motor vehicles, who is also licensed to operate an inspection station, is faced with a suspension or revocation of the inspection station license.

Under 29 M.R.S.A. § 2122, paragraph 5, a dealer is required to inspect or re-inspect a vehicle "released for operation" on the highway.

QUESTION:

In the event of loss of inspection privileges, may a dealer be issued a "blanket" permit covering an unlimited number of vehicle moves to an inspection station or will each move require the issuance of an individual permit?

ANSWER:

See OPINION.

OPINION:

29 M.R.S.A. § 2122, paragraph 7 provides as follows:

"The Chief of the State Police, a state police officer or a state driver license examiner may issue a permit to owners of motor vehicles which are not inspected to enable them to operate such vehicle to an inspection station for the purpose of complying with this law."

There is no language in this quoted paragraph limiting the type of permit, other than the requirement that a permit must be issued to owners of vehicles which are not inspected to enable the owners to operate such vehicles to an inspection station for the purpose of complying with inspection law.

A blanket permit may be issued at the option of the Chief of the State Police, a State Police officer or a State Driver License Examiner. It is to be emphasized that the issuance of a permit is optional, and there is no requirement that a permit be issued. The permit may be terminated at any time by the issuing official if there has been any abuse of the privilege granted to the permittee.

An official issuing the permit can place any limitations on the permit which he feels is in the interest of highway safety. For example, limitations may be made concerning the period of time for which a permit will be effective, the number of vehicles that may be taken to an inspection station within a given period of time, limitations concerning operation during daylight hours only, limitations on routes to be used to and in the event the vehicle does not pass inspection from the inspection stations, limitations concerning agents of the owner who may operate the vehicle, limitation on speeds at which the vehicles may be operated, etc.

An issuing official may desire initially to issue a blanket permit and later as a result of unfavorable experience may wish to place limitations upon the permit or to terminate the permit altogether. The official may properly follow these courses of action if the circumstances so warrant.

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JSM/eh