

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

**ATTORNEY GENERAL**

for the calender years

1965 - 1966

section 3748, which reads: "Every home repair contractor, home repair financing agency, and holder of a home repair contract shall maintain a place of business in this State." Thus, a foreign corporation whose licensed office in Maine is the residence of its State of Maine field man, must maintain at the licensed office in the State of Maine, the books, accounts and records relating to all transactions under the Home Repair Financing Act which would enable the Bank Commissioner to enforce full compliance with the provisions thereof. The maintenance of the books, records and accounts outside of the State of Maine, with no such records being maintained within the State, is not contemplated by 9 M.R.S.A., § 3748, and would be in violation of that section.

JEROME S. MATUS  
Assistant Attorney General

Howard Clark, Assistant Director

December 14, 1966  
Motor Vehicles

Proper Registration Classification of Tractor Mounted Potato Combines.

*FACTS:*

Several new types of motorized farm equipment have been recently introduced in Aroostook County including a tractor mounted potato combine. Pictorial brochures of this combine were furnished to this office which show that the tractor portion of the combine is mounted on the combine with the wheels all removed and the steering mechanism attached to the front wheels of the combine.

*QUESTION:*

Are the tractor mounted potato combine and similar motorized equipment properly classified as "farm tractors" or "special mobile equipment"?

*ANSWER:*

See opinion.

*OPINION:*

Farm tractor is defined in our statutes as follows:

" 'Farm tractor' shall mean any motor vehicle designed and used primarily as a farm implement for *drawing* plows, mowing machines and other implements of husbandry." (Emphasis supplied.) 29 M.R.S.A. § 1, sub. 3.

Special mobile equipment is defined in our statutes as follows:

" 'Special mobile equipment' shall mean every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone-crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section." 29

*M.R.S.A. § 1, sub. 14.*

The tractor mounted potato combine is properly classified as special mobile equipment and is not properly classified as a farm tractor. We are limiting this opinion to the equipment described in the brochures. How similar motorized equipment would be classified depends on the points of similarity. Suffice it to say any motorized equipment that is considered as one unit and which does not *draw* plows, mowing machines, and other implements of husbandry cannot be a farm tractor. A farm tractor is a separate power unit attached to the front of farm machinery thereby moving the equipment.

Webster's International Dictionary, Second Edition, gives as its first definition of the word "draw" "to cause to go continuously forward by force applied in advance of the thing moved." The tractor portion of the combine does not draw the combine. It is the motive power of the combine.

Although a tractor mounted potato combine is a farm implement, the tractor portion of the potato combine is an integral portion of the combine and does not draw the combine. It is part and parcel of the combine and cannot be classified as a farm tractor.

The tractor mounted potato combine is a self-propelled vehicle. It is not designed to be used primarily for the transportation of persons or property and it is incidentally operated and moved over the highways. It therefore meets all the statutory criteria set forth for special mobile equipment and should be so classified.

JEROME S. MATUS  
Assistant Attorney General

December 28, 1966  
Maine State Police

Col. Parker F. Hennessey, Chief

Inspection of Special Mobile Equipment

*FACTS:*

By memorandum dated December 26, 1966, you ask for an interpretation of 29 M.R.S.A. § 2122.

*QUESTION:*

Does the law allow the Chief of the Maine State Police to exempt special mobile equipment from being inspected?

*ANSWER:*

No.

*OPINION:*

A unit of special mobile equipment must be a vehicle and must be only incidentally operated or moved over the highways. The statutory definition of special mobile equipment clearly sets this forth:

"Special mobile equipment. 'Special mobile equipment' shall mean every self-propelled *vehicle* not designed or used primarily for the transportation of