

# MAINE STATE LEGISLATURE

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September 26, 1967

Lieutenant Kenneth Wood

Maine State Police

Harry N. Starbranch, Assistant

Attorney General

Interpretation of the 4th and 5th paragraphs of 29 M.R.S.A. § 2122

**FACTS:**

The 4th paragraph of 29 M.R.S.A. § 2122, as amended by the 103rd Legislature provides as follows:

"Said inspection shall not apply to motor vehicles owned and registered in another state nor to new or used motor vehicles being driven by a dealer or holder of a transporter registration certificate or their authorized representatives from the point of distribution to his place of business, or a motor vehicle owned by a dealer or holder of a transporter registration that has a valid sticker until such time as the inspection sticker would have otherwise expired, at which time the motor vehicle must be reinspected." (Emphasis added.)

The 5th paragraph of 29 M.R.S.A. § 2122 provides as follows:

"No dealer or holder of a transporter registration certificate in new or used motor vehicles shall permit any such vehicle owned or controlled by him to be released for operation upon the highways until it has been inspected and a proper inspection sticker certifying such inspection placed thereon. If such vehicle bears thereon a certificate showing a prior inspection, the same shall be removed."

**QUESTION:**

Is there an inconsistency between the above Subsections of 29 M.R.S.A. § 2122, and if there is, which one of the two Subsections would take precedence?

**ANSWER:**

See Opinion.

OPINION:

The underlined portion of the 4th paragraph of 29 M.R.S.A. § 2122, in my opinion, should be construed to mean that a motor vehicle owned by a dealer or holder of a transporter registration, that is acquired with a valid inspection sticker affixed, may be operated by such owner, either personally or through an agent, until the expiration date of the sticker.

In the event, however, that such dealer or holder of a transporter registration, transfers the vehicle in question to a new owner not entitled to an inspection exemption, the 5th paragraph of 29 M.R.S.A. § 2122 requires that the vehicle be inspected before it may be released for operation on the highways.

The opinion of this office that was issued on May 5, 1960 is hereby overruled. The opinion that was issued on November 2, 1962, is overruled insofar as it is inconsistent with this opinion.

Harry W. Starbranch  
Assistant Attorney General

HNS:H