

MAINE STATE LEGISLATURE

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U.S.
September 27, 1967

Howard T. Clark, Assistant Director

Motor Vehicles

Harry N. Starbranch, Assistant

Attorney General

FACTS:

Your letter of September 13 states the following:

"The Motor Vehicle Division and the State Police Department do not agree on interpretation of Sections 243, 244 and 255 of Title 29 as these sections concern farm tractors and farm trailers.

"The Motor Vehicle Division believes that Section 255 gives any farmer the privilege of operating his farm tractor and farm trailer without registration or license, either loaded or unloaded, as long as these vehicles are used solely for farming purposes and are operated only from or to the premises where the same are kept, to or from a farm lot and between farm lots used for farm purposes by the owner of the farm tractor and farm trailer. In our opinion Sections 243 and 244 apply when the farm tractor and farm trailer are used for farm purposes between farm lots not being used for farm purposes by the owner of the farm tractor and farm trailer as in the case where A loans his farm tractor and farm trailer to B so that B may transport his farm products, crops, fertilizers and farm tools.

"The State Police contend that Sections 243 and 244 apply when a load is to be transported by the farm tractor and farm trailer and Section 255 applies only when no load is to be transported.

"As both interested parties do not want this difference of opinion to exist, will you, at your earliest convenience, give us a written interpretation of the intent of the Legislature as it refers to these three sections."

QUESTION:

The question essentially is whether or not a farm tractor and trailer, being utilized under the authority of 29 M.R.S.A. § 255, may be used to haul loads from or to the premises where the same are kept, to or from a farm lot and between farm lots, used for farm purposes.

ANSWER:

Yes.

OPINION:

Title 29 M.R.S.A. § 255 provides that:

"No registration or license shall be required for a farm tractor when the same is used solely for farming purposes, and such farm tractors may be operated, without registration or license, from or to the premises where the same are kept, to or from a farm lot and between farm lots, used for farm purposes by the owner of the farm tractor. Such farm tractors may be operated, without registration or license, from or to a filling station or garage for gas, oil or repairs.

"No registration shall be required of a farm trailer when the same is used solely for farming purposes, and such farm trailers may be operated, without registration, from or to the premises where the same are kept, to or from a farm lot and between farm lots, used for farm purposes by the owner of the farm trailer. Such farm trailers may be operated without registration to a filling station or garage for gas, oil or repairs."

It is felt that when the legislature enacted 29 M.R.S.A. § 255, that it intended to permit farm tractors and farm trailers to be operated without registration or license, from or to the premises where the same are kept, to or from a farm lot and between farm lots, used for farm purposes by the owner of the farm tractor-trailer; the purpose of such tractor-trailer being to haul loads. Certainly, there is no indication of any kind in the aforementioned statute that the legislature intended to allow such tractors and trailers to be operated under the section only when no load was to be carried.

Title 29 M.R.S.A. § 243 provides in part, with respect to farm tractors, that:

"Farm tractors used for agricultural purposes or not customarily used on public ways shall pay 1/10 of such rates; . . .

"A home-made farm tractor with motor and chassis at least 10 years old and having a body capacity of not more than 1 1/2 cubic yards shall be registered for a fee of \$2 "

It is felt that the aforementioned 29 M.R.S.A. § 243, which relates to tractors only, is less specific in nature than Section 255, and consequently, it could apply only to those cases that are beyond the scope of § 255.

In line with the above, it is also felt that 29 M.R.S.A. § 244, which relates to trailers only, also could only be applicable to those cases that are beyond the scope of Section 255.

Title 29 M.R.S.A. § 244 provides in part that:

" . . . The maximum fee for all farm trailers, whether semi-trailers or 4-wheeled type, equipped with pneumatic tires, shall be \$2 for each trailer when the said trailers are used and to be used by farmers for the sole and exclusive purpose of transporting their own farm products, crops, fertilizers and farm tools and utensils and subject to the further conditions and limitations that

"A. No such load so transported shall at any time exceed 4 tons; and

"B. No such load shall be transported a distance greater than 20 miles from the point of origin to the point of destination "

We are not unaware of the fact that section 244 uses rather specific language regarding the transporting of loads by farm trailers, to wit:

" . . . to be used by farmers for the sole and exclusive purpose of transporting their own farm products, crops, fertilizers and farm tools and utensils "

However, it is felt that such wording was not intended to limit the application of Section 255, but rather to distinguish between the different situations under which trailers could be registered under the provisions of Section 244.

For example, a farm trailer that is used to carry a load belonging to a farmer who did not own the trailer but who nevertheless carried his own farm products, could be registered under the farm trailer rate set forth in section 244. To carry the example a step further, a trailer having a gross weight of less than 2,000 pounds that was used to carry a load that was not related to a farm in any way would also be registered under section 244, but would not receive the lower farm trailer rate contained therein; and if it had a gross weight of 2,000 pounds or more, it would be classified as a truck and would come under the provisions of 29 M.R.S.A. § 246.

In conclusion, therefore, it is felt that a farm tractor and trailer operated under the provisions of 29 M.R.S.A. § 255, may be operated without registration or license, from or to the premises where the same are kept, to or from a farm lot and between farm lots, whether a load is being carried or not.

Harry N. Starbranch
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