

MAINE STATE LEGISLATURE

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November 13, 1967

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FACTS:

The 103rd Legislature enacted 24 M.R.S.A. § 502, subsection 22, (P.L. 1967, c. 93), which pertains to the financial responsibility law (29 M.R.S.A., c. 9), and which states:

"22. Uninsured motorists. Any policy insuring against liability resulting from or incident to the ownership, maintenance or use of a registered motor vehicle shall contain a provision for protection against uninsured motorists for bodily injury, within limits commensurate with the financial responsibility law." (Emphasis supplied.)

QUESTION:

Whether or not "special mobile equipment" registered under 29 M.R.S.A. § 244 is included within the scope of "registered motor vehicle" as used in 24 M.R.S.A. § 502, subsection 22?

OPINION:

The term "motor vehicle" is specifically defined in 29 M.R.S.A. § 1, subsection 7, as follows:

" * * * Any self-propelled vehicle not operated exclusively on tracks, including motorcycles."

The term "special mobile equipment" is specifically defined in 29 M.R.S.A. § 1, subsection 14, as:

" * * * 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."

In light of the above definitions, special mobile equipment registered under 29 M.R.S.A. § 244 would be included within the term "motor vehicle" as used in 24 M.R.S.A. § 502, subsection 22.

Harry N. Starbranch
Assistant Attorney General

HNS/eh