

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
**ATTORNEY GENERAL**

For the Years  
1967 through 1972

June 19, 1968  
Secretary of State

Joseph T. Edgar, Secretary of State

Removal of License Plates from Motor Vehicles by Secretary of State

*SYLLABUS:*

The Secretary of State, through his agents, may reclaim license plates from motor vehicles whose owners have had their registrations revoked for failure to comply with the Motor Vehicle Financial Responsibility Law. This can be done only after demand and no physical force should be exerted against any individual. The fact that one of a number of co-owners has not complied with said Financial Responsibility Law does not change these results.

*FACTS:*

The Secretary of State has on occasion instructed his agents to reclaim license plates from motor vehicles. The orders for removal have been predicated on the failure of owners to return the plates after demand from the Secretary of State, the demand having been based on revocation of the owners' registration certificates due to a failure on the owners' part to comply with 29 M.R.S.A. § 781 et seq. (Motor Vehicle Financial Responsibility Law).

Often times the owners of the vehicles are not at home when the agents call at their residences to pick up the plates. However, the motor vehicles in question are often outside in full view of the agents.

Sometimes the motor vehicles in question are registered to two or more co-owners, only one of whom has failed to comply with 29 M.R.S.A. § 781 et seq.

*QUESTIONS:*

1. Do the agents in question have a right to remove these license plates in the absence of the owners?
2. To what extent should force be used in removing these plates?
3. Does the fact that in some circumstances only one of a number of co-owners has failed to comply with 29 M.R.S.A. § 781 et seq. change the result in questions No. 1 and No. 2?

*ANSWERS:*

1. Yes.
2. See Reasons.
3. No.

*REASONS:*

That the Secretary of State has the right to reclaim these license plates, after revocation of registration and demand, is clear from 29 M.R.S.A. § 113:

“All registration number plates, issued by the Secretary of State, shall continue to be the property of the State, and the person to whom the same are

issued shall surrender the same on demand of the Secretary of State whenever his registration certificate is suspended or revoked or has expired without renewal. Whoever steals, takes or carries away any registration number plate from any person entitled to its possession shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.”

Since the plates are the property of the State, its agents may remove them even in the absence of the owners of the vehicles in question. The second sentence of § 113 quoted above is not applicable to these agents since the State owns these plates.

There should never be any physical force exerted on any individual to effect this removal. However, whatever force that is reasonable under the circumstances can be used to physically remove the plates from the vehicle.

The fact that one of the co-owners has failed to comply with 29 M.R.S.A. § 781 et seq. does not change these results. When a person co-registers a vehicle with another, he must abide by the laws as they pertain to the other co-registrants.

WARREN E. WINSLOW, JR.  
Assistant Attorney General

June 24, 1968  
Executive

Herbert S. Sperry, Director, OEO

Maine Housing Authorities Act

*SYLLABUS:*

Though, under some circumstances, Maine municipalities may act as Lessor or Lessee of real property, in general neither counties nor municipalities in this State possess the broad range of powers conferred upon local housing authorities by 30 M.R.S.A. §§ 4551-4755 (1964).

*FACTS:*

The Legal Department of the Regional Office of the Department of Housing and Urban Development has presented through your office the following questions for answer:

*QUESTION NO. 1:*

Do Maine municipalities and/or counties have the power to lease housing units from a private corporation and then sublet such housing units to low-income families resident within the governmental unit?

*QUESTION NO. 2:*

Do Maine municipalities and/or counties possess powers equivalent to those granted local housing authorities under and by virtue of the following statutes: 30 M.R.S.A. § 4651(1) (1964); 30 M.R.S.A. § 4651(3) (1964); 30 M.R.S.A. § 4651(4) (1964) and 30 M.R.S.A. § 4701 (1964)?