

# MAINE STATE LEGISLATURE

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July 8, 1968

Trooper Breen R. Savage

Troop "A" - State Police

Daniel G. Lilley, Assistant

Attorney General

Violations in Dealer Registration Plates.

FACTS:

The following opinion is based on a factual situation involving an apparent borrower of a truck with dealer plates for the purpose of moving household furnishings. The operator of the truck at the time it was stopped by Trooper Breen Savage was neither the holder of a dealer registration plate, nor an employee of the dealer who maintained the dealer registration plates on the truck.

QUESTIONS PRESENTED:

- (1) Is a violation of this section enforceable under the criminal law?
- (2) Who is criminally responsible for a violation of Title 29 M.R.S.A. § 336?

ANSWERS:

- (1) Yes.
- (2) The dealer or holder of a transporter registration certificate is charged with criminal responsibility under any violation of 29 M.R.S.A. § 336.

OPINION:

Title 29 M.R.S.A. § 336 lays out the various violations regarding motor vehicle dealer registration plates. While that particular section does not provide any penalty, a violation of that section of Title 29 appears to come under the general penalty section found under Title 29 § 2303. The general penalty section provides for a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 90 days or by both. A violation of Title 29 Section 336 can therefore be enforced in the criminal courts and there is no requirement found in the statute of handling the matter before the State Dealer Board

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prior to any criminal enforcement. Hence, a violation of Section 336 can be handled either in the criminal courts or before the State Dealer Board, or before both tribunals. It is noteworthy that under Title 29 § 334 there is a specific provision that in the event of a conviction of a dealer or holder of a transporter registration certificate, this matter may be brought before the hearing commissioner for the purpose of determining whether or not a suspension or revocation of dealer plates should be effected.

A dealer or holder of a transporter or registration certificate is the responsible party in the criminal courts for violation of any of the limitations set out under § 336. In most cases, a person signing the application for dealership would be the same person who would be responsible for violations of this section.

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DGL/p