

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

pollution abatement efforts. The relevant portion of the federal statute, for our purposes, reads:

“The Secretary is authorized to make grants to any state . . . for the *construction* of necessary treatment works . . . and for the purposes of *reports, plans and specifications* in connection therewith.” 33 U.S.C.A. § 466e(a) (emphasis supplied).

QUESTION:

May the WAEIC make grants, from funds provided by the Act, to municipalities and quasi-municipal corporations, for detailed preconstruction planning and engineering costs, which form an essential prerequisite to actual construction under a federally approved and funded pollution abatement construction program?

ANSWER:

Yes.

OPINION:

The Act and § 411 must be read together and in conjunction with the federal statute. Detailed planning and engineering costs, which are incurred after a municipality or a quasi-municipal corporation has made the decision to construct a pollution abatement facility, and which form an essential prerequisite of the construction program (as opposed to the cost of pilot plans, feasibility studies, cost estimates and the like) are a part of the “construction program” contemplated by all three statutes, and accordingly are subsidizable under and to the extent permitted by the Act and § 411.

We direct attention to the following limiting language in § 411:

“State grant-in-aid participation shall be limited to grants for waste treatment facilities, interceptor systems and outfalls . . .

“The word ‘expense’ shall not include costs relating to land acquisition and debt service.”

ROBERT G. FULLER, JR.
Assistant Attorney General

CROSS REFERENCE

Grants for unspecified “planning” not authorized, see opinion dated October 3, 1968.

December 13, 1968
Motor Vehicle Division
Secretary of State

Charles E. Wyman, Assistant Director

Registration of Certain Motor Vehicles.

SYLLABUS:

A New Hampshire corporation, which registers vehicles only in that State, but garages

and operates them in Maine, is, if it owns such vehicles, in violation of Maine's vehicle registration law unless it qualifies for exemption under 29 M.R.S.A. § 4 or § 2243 (1964).

FACTS:

A New Hampshire corporation, which has qualified to do business in Maine, has registered several vehicles in New Hampshire. It is not known whether the corporation is the owner of these vehicles. The vehicles are garaged in Maine, and are operated upon the roads of this State by the New Hampshire corporation. The vehicles are not registered in Maine.

QUESTION:

Upon the given facts, is the corporation in violation of Maine's vehicle registration statute?

ANSWER:

The corporation is in violation of the statute only if:

1. The corporation owns the vehicles in question; and
2. In the event that the arrangement contemplated by 29 M.R.S.A. § 4 (1964) has been made, the vehicles are operated in other than intrastate commerce or beyond 10 miles from the border; or
3. If New Hampshire does not grant to Maine vehicle owners the exemptions from registration set forth in 29 M.R.S.A. § 2243 (1964).

OPINION:

The basic requirements of Maine law respecting the registration of motor vehicles appear in 29 M.R.S.A. § 102 (1964).

"Except as section 2243 provides for reciprocity with other states, any resident of this State, and any owner, as defined in section 1, shall register any vehicle to be operated or to remain on any way in this state, . . ."

There are two exceptions here pertinent to this basic registration requirement. The first is found at 29 M.R.S.A. § 2243 (1964), which states that the requirement shall not apply to

" . . . any nonresident owner or operator who shall have complied with the registration . . . laws of the state . . . of residence to the extent that said state . . . grants the same or similar provisions to residents of this State."

The other pertinent exception is found at 29 M.R.S.A. § 4 (1964):

"Notwithstanding any other law to the contrary, the Secretary of State is empowered to make agreements or arrangements with the duly authorized representatives of the state of New Hampshire providing that trucks, tractors or semi-trailers owned by residents of such bordering state and legally registered in such state may be operated in intrastate commerce in this State within a zone not to exceed 10 miles from the border of such state . . ."

The facts you supplied to us indicate only that the subject corporation has registered the vehicles in question in New Hampshire. Registration is no more than *prima facie* proof of ownership. Cf. 61. C.J.S. *Motor Vehicles* §§ 517 (d), 524. Therefore, we

cannot determine whether the subject corporation is an "owner" within the meaning of 29 M.R.S.A. §102 (1964) and so required to register its vehicles in Maine. An "owner" for purposes of Title 29 and as defined for such purposes in 29 M.R.S.A. § 1 (9) (1964) means:

" . . . (A)ny . . . corporation holding title to a motor vehicle or having exclusive right to the use thereof for a period greater than 30 days or the mortgagor or vendee in a conditional sales contract . . . (;) . . . any . . . corporation . . . owning a motor vehicle or having the right to use the same, under contract, lease or hiring; . . . "

However, even if the subject corporation is an "owner" within the meaning of §102, it may be exempt from the registration requirement of that section if it has complied with the New Hampshire registration laws and New Hampshire grants registration exemption to Maine vehicles in similar circumstances; or, if the arrangement contemplated by 29 M.R.S.A. § 4 has been made and if the vehicles are operated only in intrastate commerce and within 10 miles of the Maine-New Hampshire border, exemption would likewise exist.

That portion of your inquiry as to whether the given facts state a violation of any of this state's taxation laws should be referred to the Bureau of Taxation.

ROBERT G. FULLER, JR.
Assistant Attorney General

January 6, 1969
Pineland Hospital and Training Center

Bruce Libby, Director, Bliss Vocational
Rehabilitation Center

Clients of Division of Vocational Rehabilitation Referred to, and Participating in, Bliss
Vocational Rehabilitation Unit Program – Status

SYLLABUS:

Clients of the Vocational Rehabilitation Division of the Department of Education, participating in the program at the Bliss Vocational Rehabilitation Unit of the Pineland Hospital and Training Center and residing therein are to be treated as patients of the Pineland Hospital and Training Center – Statutes relating to admission of, and responsibility for Pineland patients being applicable to such Clients.

Clients of the Division of the Vocational Rehabilitation of the Department of Education participating in the program at the Bliss Vocational Rehabilitation Unit, placed on trial visit under Title 34, M.R.S.A. § 2154, are not properly placed in the custody of a Vocational Rehabilitation Counsellor of said Division of Vocational Rehabilitation – his function being other than that of a responsible person within the contemplation of the Statute.

FACTS:

The Pineland Hospital and Training Center through its Bliss Vocational Rehabilitation Unit and the Division of Vocational Rehabilitation of the Department of Education have in process a cooperative venture in the operation of this Unit. Persons admitted to the Pineland Hospital and Training Center as part of their program may