

# MAINE STATE LEGISLATURE

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**Parking Meter Accuracy**

**EXPLANATION:**

Under the Maine Weights and Measures Law the State Sealer is not required to check parking meters for accuracy.

**FACTS:**

Parking Meters are in wide use in the State of Maine. The State Sealer is responsible for testing the accuracy of certain weights and measures. 10 M.R.S.A. § 2404.

**QUESTION:**

Is the State Sealer required by law to check the accuracy of parking meters?

**ANSWER:**

No.

**REASON:**

The obligations of the State Sealer are set forth in 10 M.R.S.A. § 2404. That section reads:

"When not otherwise provided by law, the state sealer shall have the power to inspect and test, to ascertain if they are correct, all weights, measures and devices kept, offered or exposed for sale. It shall be the duty of the state sealer, except in municipalities in which a duly appointed sealer has completely and properly performed the duties set forth in this section, at least annually and as much oftener as he may deem necessary, to inspect and test, to ascertain if they are correct, all weights and measures commercially used in determining the weight, measurement or count of commodities or things sold, or offered or exposed for sale, on the basis of weight or

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of measure, in computing the basic charge or payment for services rendered on the basis of weight or of measure, or in determining weight or measurement when a charge is made for such determination. With respect to single-service devices, that is, devices designed to be used commercially only once and to be then discarded, and with respect to devices uniformly mass-produced, as by means of a mould or die, and not susceptible of individual adjustment, the inspection and testing of each individual device shall not be required and the inspecting and testing requirements of this section will be satisfied when inspections and tests are made on representative sample lots of such devices; and the larger lots of which such sample lots are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such sample lots."

According to its provisions the state sealer is charged with checking (1) all weights, measures, and devices, kept, offered or exposed for sale. Parking meters are not kept, offered or exposed for sale. Also, the state sealer is charged with inspecting and testing (2) all weights and measures commercially used in determining the weight, measurement or count of commodities or things sold, offered or exposed for sale on the basis of weights or of a measure, in computing the charges appropriate to or because of the weight. Parking meters are not commercially used and hence not subject to the state sealer's powers. The state sealer is charged in addition with checking the accuracy of (3) single service devices as defined in section 2404 and the accuracy of (4) uniformly produced devices as there defined and under the conditions there prescribed. But again parking meters do not fall into those two categories.

Consequently, because the accuracy of parking meters is a concern outside the state sealer's prescribed powers and duties, he is not charged by law with checking them.

GKC/mf

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