

MAINE STATE LEGISLATURE

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Motor Vehicle

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Occupancy of Camp Trailers on Public Highways

SYLLABUS:

No person or persons shall occupy a camp trailer while it is being moved upon a public highway;

FACTS:

29 M.R.S.A. § 958 prohibits a person or persons from occupying a house trailer while the house trailer is being moved upon a public highway. You desire a clarification as to whether a person or persons may occupy a camp trailer while being moved upon a public highway.

QUESTION:

May a person or persons occupy a camp trailer while it is being moved upon a public highway?

ANSWER:

No.

OPINION:

29 M.R.S.A. § 958, as enacted by the Public Laws of 1967 Chapter 245, section 16, reads as follows: "No person or persons shall occupy a house trailer while it is being moved upon a public highway." In analyzing whether a camp trailer is a type of a house trailer, we must determine first the distinguishing characteristics of a house trailer. There are three criteria for one of two types of house trailers. 29 M.R.S.A. § 1, subsection 3-A, paragraphs A and B, as enacted by the Public Laws of 1967, Chapter 245, section 2, sets forth the definitions of two types of house trailers. We are interested in the type of house trailer as defined in paragraph A. This definition is as follows:

"A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways;"

Thus, the criteria for a house trailer is as follows:

Criterion 1: A house trailer must be designed, constructed and equipped as -

A. A dwelling place, or

B. A living abode, or

C. A sleeping place

Criterion 2: The house trailer may be used for any of the above purposes. Either (a) permanently; or (b) temporarily.

Criterion 3: The house trailer must be equipped for use as a conveyance on streets and highways.

The definition of camp trailers is set forth in 29 M.R.S.A. § 1, subsection 1-F, paragraphs A and B, which reads as follows:

"A. A trailer of single axle design but not over 22 feet overall, including the hitch and rear bumper, used primarily or exclusively for vacation and recreational purposes but not for business use; or

"B. A tent trailer, being that type manufactured or homemade, which consists of a platform, shell or box, with means of attaching a tent permanently or temporarily to provide sleeping or temporary shelter, or both, for vacation or recreational purposes but not for business use."

Thus, camp trailers are of two types. A trailer of single axle design and a tent trailer. Both types are properly included within the definition of house trailer set forth in 29 M.R.S.A. § 1, subsection 3-A, paragraph A, as they meet all the criteria of this type of house trailer.

Both types of camp trailers are not always dwelling places, living abodes and sleeping places. However, they will fall within at least one of these three categories, thus meeting criterion 1.

Both types of camp trailers are by definition to be used for vacation or recreational purposes, and use in most instances will be of a temporary nature. However, a temporary use meets the second criterion.

Both types of camp trailers are equipped for use as a conveyance on streets and highways; therefore, they meet the third criterion of a house trailer. Hence, camp trailers as defined fall within the purview of 29 M.R.S.A. § 1, subsection 3-A, paragraph A. Therefore, no person or persons shall occupy a camp trailer while it is being moved upon a public highway.

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