

MAINE STATE LEGISLATURE

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February 13, 1976

Frank M. Hogerty, Jr., Superintendent

Insurance

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Attorney General

Motorcycle Road Service Club

Your memorandum of December 3, 1975, requested our opinion on whether a "Motorcycle Road Service Club" would require a license from the Bureau of Insurance pursuant to 24-A M.R.S.A. § 4701 et seq. The answer is negative.

Title 24-A M.R.S.A. § 4701 provides, in pertinent part:

"No person shall perform or offer to perform in this State, for a stipulated fee covering a certain period, any form of road or other tourist service relating to the repair, operation and care of automobiles or to the protection and assistance of automobile owners or drivers. . . without being licensed therefor by the superintendent." (emphasis provided)

The statute specifically concerns services rendered to automobile owners or for automobiles. There is no mention of motorcycles or trucks or any other form of motor vehicle except automobiles.

There is no statutory definition of the word "automobile" for purposes of the Insurance Code. However, the term is used in other sections, on two occasions in conjunction with similar generic terms (24-A M.R.S.A. § 2325,2 - "automobile and motor vehicle"; § 2904 - "automobile, motor vehicle or truck"). The Legislature has defined the terms "automobile" and "motorcycle" for purposes of Title 29 (29 M.R.S.A. §§ 1-A and 4), indicating that the Legislature has recognized a difference between these vehicles. Therefore, it must be presumed that the Legislature would have used the term "motorcycle" in § 4701 if it had intended mandatory licensing of a motorcycle road service club.

In addition, since the term "automobile" is not statutorily defined for purposes of Title 24-A, the term must be construed as used therein according to its common meaning. Canal Nat. Bank of Portland v. Bailey, 51 A.2d 482 (Me., 1947). Considered in this regard, the common meaning of the term "automobile" would not include motorcycles. Since § 4701 only contemplates services performed with respect to automobiles and the term "automobile" cannot be interpreted to include motorcycles, a motorcycle road service club is not required to obtain a license pursuant to that section, so long as the club's services are limited to motorcycles and do not extend to automobiles.

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