

# MAINE STATE LEGISLATURE

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*Persons convicted of DWI suspension  
Farm vehicles operation without license  
29 M.R.S.A. 255*

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To: Honorable Mark L. Gartley, Secretary of State  
From: Steven Wright, Assistant Attorney General

This is in response to your recent oral request for an opinion of this office. The fact situation leading to your request is as follows: A person who owns a farm tractor desires to operate that tractor to haul wood from his woodlot to his residence, but his Maine operator's license is under suspension as a result of a conviction of operating a motor vehicle while under the influence of intoxicating liquor.

Your question is whether the operation of a farm tractor by its owner for this purpose is permissible. We answer in the affirmative.

From a review of the pertinent law, it seems that 29 M.R.S.A. § 1312, sub-§ 10-A mandates that the Secretary of State suspend, for at least a minimum period of time, any person's license on receipt of a copy of the court record showing that that person has been convicted of "OUI". 29 M.R.S.A. § 255 exempts from the licensing requirements owners of farm tractors or farm trailers when using those vehicles "solely for farming purposes."

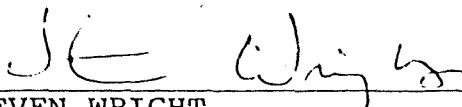
While the Secretary of State is granted authority to suspend licenses and allowed broad discretion under 29 M.R.S.A. §§ 2241 and 1312, sub-§ 10-A with regard to the suspension and reinstatement of operators' licenses, we believe that the suspension or revocation of an operator's license by the Secretary of State extends only to those rights and privileges granted by that license when issued. The authority of the Secretary of State to suspend cannot exceed his authority to grant.\* Since no operator's license is required

\* The language of 29 M.R.S.A. § 2241 providing that the Secretary of State may suspend the "right to operate a motor vehicle or the right to obtain an operator's license" appears to grant the Secretary of State the right to suspend the driving privileges in the State of Maine of those persons who do not hold a valid Maine operator's license, i.e. licensed nonresidents or unlicensed residents.

for the operation of a farm tractor or trailer by its owner when used solely for farming purposes, the owner of such a farm vehicle whose operator's license has been suspended pursuant to 29 M.R.S.A. § 1312, sub-§ 10-A may continue to operate his farm tractor or trailer within the limits established by § 255.

Hauling wood from a woodlot to a residence is within the definition of a "farming purpose" as that term is used in 29 M.R.S.A. § 255. See, 175 A.L.R. 1344. Therefore, the owner of a farm tractor or farm trailer whose license has been suspended for a conviction of "OUI" may operate that vehicle to move wood from his fields and lots to his residence.

If you have any other questions on this matter, please let us know.



STEVEN WRIGHT  
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