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DEPARTMENT OF THE ATTORNEY GENERAL
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July 26, 1979

TO: Linwood Ross, Deputy Secretary of State
FROM: Steven Wright, Assistant Attorney General
Re: Assessment of fees under P.L. 1979, c. 439

This is in response to your request for the opinion of this office regarding the implementation of the new fee schedule for vehicle registrations provided by P.L., c. 439. Specifically, you have asked whether the Secretary of State may charge a registrant the difference between the former and the present annual registration fees when the registrant transfers a registration from a vehicle registered prior to July 1, 1979 over to another vehicle on or after July 1, 1979. We answer in the negative.

P.L. 1979, c. 439, "AN ACT to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1981, and to Increase Revenues" amended 29 MRSA §152 by increasing the transfer fee from \$5 to \$8. This fee is imposed when a person

transfers the ownership or discontinues the use of a registered motor vehicle... and applies to the Secretary of State for registration of another vehicle... in the same registration year...provided the fee is the same as that of the former vehicle. (emphasis added) 29 MRSA §152.

In this set of circumstances the applicant "shall be entitled to a certificate permitting the use of number plates of the proper class of registration thereon upon payment of a transfer fee of \$8". 29 MRSA §152. This language provides a method for a person to derive a benefit from the annual fee paid for registering one motor vehicle when he discontinues using it and seeks to register another by crediting the registration fee paid on the first to the second and charging the person a smaller fee reflecting the lighter administrative workload generated by the transfer.

29 MRSA §152 goes on to state, however

If the fee for the vehicle to be registered is greater, he shall pay in addition to the transfer fee of \$8 the difference between the fee paid by him for the vehicle first registered and the fee for the vehicle to which the transfer is to be made.

Your question appears to arise because P.L. 1979, c. 439, in addition to increasing the transfer fee, also increased the fee schedule for registering vehicles generally. Effective July 1, 1979, the fee for registering a vehicle "used for the conveyance of passengers" went from \$15 to \$20, and the fees for registering motor trucks, tractors and truck tractors increased across the board.


The essence of your question is, then, whether the increase in fees for registering vehicles mandated by P.L. 1979, c. 439 constitutes a "greater" fee as that term is used in 29 MRSA §152 requiring the Secretary of State to collect, in addition to the transfer fee, the difference between the fees paid on the first vehicle and the fee for the vehicle to which the transfer is to be made. After reviewing this legislation and the overall statutory scheme, we are of the opinion that this is not the case. In order to perceive the true legislative intent in relation to any particular section of a statute consideration must be given to the whole system of which the section at issue forms a part. In re Belgrade Shores, Inc., Me., 359A 2d 59 (1976). The underlying policy of P.L. 1979, c. 439 was to increase revenues by increasing both the registration fees for vehicles registered after July 1, 1979 and the transfer fees for registrations transferred after July 1, 1979.

The thrust of §152 reinforces this interpretation. The language of this section that requires the payment of only a transfer fee "provided the fee is the same as that of the former vehicle" but requires an additional payment of the difference between the fees when the fee for the second vehicle is greater implicitly assumes that the "difference" will result from the fact that the second vehicle requires a greater registration fee based on the same fee schedule. This implication is further evidenced by the fact that the provisions of §152 providing for payment of only the transfer fee when the registration fee for the vehicle is the same antedate the change in the fee schedule.

Further, the application of the increased fee schedule to the transfer of a registration when the initial registration fee payment preceded July 1, 1979 would force the registrant to pay an increased fee without receiving a concomitant benefit. For example, if a vehicle were registered in May of 1979 the expiration date of that registration would be May of 1980.

If transferring that registration to another vehicle after July 1, 1979, the registrant has to pay the increased transfer fee, although the transfer of the registration to another vehicle in no way prolongs the life of that registration; that is, the registration would still expire in May of 1980. To require the registrant to pay the additional registration fee in conjunction with the increased transfer fee would, in effect, force him to pay a higher rate for the registration without prolonging the effective life of the registration, while anyone initially registering a vehicle after July 1, 1979 and paying the increased registration fee receives a registration effective for 12 full months. There is no language in the law that leads us to believe that the legislature intended that persons should pay a higher rate for their registration based solely on the happenstance of a transfer of that registration to another vehicle.

Therefore, the Secretary of State should assess a fee of \$8 for transfers of registration effected on or after July 1, 1979 but should not require persons to pay the difference between the former and present fee schedules in addition. If you have any further questions on this matter, please contact me.


Steven F. Wright
Assistant Attorney General

SFW/jd