

MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

August 6, 1979

TO: Linwood Ross, Deputy Secretary of State
FROM: Steven Wright, Assistant Attorney General
Re: Public Laws of 1979, chapters 443 and 552

On June 15, 1979, P.L. 1979, c. 443 was approved by the Governor. The purpose of this Act was to place certain limitations on the right to reregister a vehicle whose registration had previously expired. 29 MRSA §106, as last amended, provided that if a vehicle's registration had been expired for two months or more, that, upon application for registration, the new registration would run for one year from the date of the issuance of the renewal. P.L. 1979, c. 443 amends §106 so that the registration may not be set ahead in this same set of circumstances, unless the applicant

"provides satisfactory evidence and certifies in writing to the Secretary of State that the vehicle has not been operated on a public way during the period of expired registration."

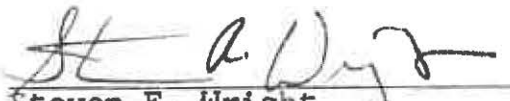
On June 25, 1979, P.L. 1979, c. 552 was approved by the Governor.² Among other things, this bill repealed and replaced 29 MRSA §106 in its entirety without any reference to P.L. 1979, c. 443. With regard to the expiration date of previously expired registrations, c. 552 uses language identical to that of §106 prior to the enactment of P.L. 1979, c. 443. It provides for setting ahead the registration period to run one year from the renewal issuance where the previous registration has been expired for two months or more. Both of these bills become effective 90 days after the adjournment of the Legislature, September 14, 1979. Your question is whether the enactment of P.L. 1979, c. 552 impliedly repeals P.L. 1979, c. 443. We answer in the affirmative.

¹The title of the bill, "AN ACT to Provide for the Issuance of a Warning for Operating an Unregistered Motor Vehicle within One Month of the Expiration of Registration," does not reflect its true purpose.

²This bill was entitled "AN ACT to Provide for Staggered Registration for Motor Trucks."

While there is a presumption against implied repeals,³ a presumption that is additionally strengthened by the fact that both of the acts in question were enacted in the same legislative session,⁴ there is, nonetheless, an obvious and irreconcilable conflict between chapters 443 and 552. Because these two acts cannot be harmonized, P.L. 1979, c. 552 will operate to repeal P.L. 1979, c. 443. There are two reasons for this conclusion. First, when two acts of the same session take effect at the same time, the latest passed will prevail.⁵ As previously indicated, P.L. 1979, c. 552 was approved by the Governor ten days after P.L. 1979, c. 443. Second, chapter 552 deals with the subject of motor vehicle registrations in a more detailed manner. Legislation which operates to revise the entire subject to which it relates by its very comprehensiveness gives strong implication of a legislative intent that it prevail over other legislation dealing with the same subject.⁶

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


Steven F. Wright
Assistant Attorney General

³1A Sutherland, Statutory Construction §§23.09, 23.10 (4th ed. 1974); State v. London, 56 Me. 123, 162 A 2d 150 (1960).

⁴Sutherland, supra, §23.17.

⁵Sutherland, supra, §23.17.

⁶Sutherland, supra, §23.17; Commissioner of Banks v. Highland Trust Co., 283 Mass. 71, 186 NE 229 (1933); McIntire v. McIntire, 30 Me. 326, 155 A 731 (1931).