

MAINE STATE LEGISLATURE

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STATE OF MAINE

80-52

Inter-Departmental Memorandum Date February 28, 1980

To John Joseph, Director Dept. Office of Energy Resources

From Steven Wright, Assistant Atty. Gen. Dept. Attorney General

Subject Interpretation of Laws Affecting Vanpooling

You have asked two questions involving the vanpool program being conducted under the direction of the Office of Energy Resources.

First, you have asked whether a person may operate a vanpool with a Class 3 motor vehicle operator's license. We answer in the affirmative.

The law which establishes license classes provides that the holder of a Class 3 motor vehicle operator's license is entitled to operate

"(a)ny motor vehicle or combination of vehicles not exceeding registered weight of 18,000 pounds or any registered farm motor truck bearing the letter F, except school bus, motorcycle or motor driven cycle."

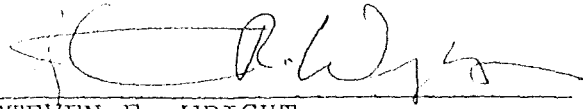
We understand that the vehicles purchased for use in the vanpool program have a gross weight not exceeding 18,000 pounds. Therefore, these vehicles may be operated by persons holding valid Class 3 licenses.

Secondly, you have asked whether these vehicles may be operated with registration plates different from those usually placed upon state-owned vehicles. We answer in the negative. 29 M.R.S.A. § 256, sub-§ 1, provides:

- 1. State vehicles. All state-owned vehicles shall be registered by the Secretary of State, but shall be exempt from this Title as to the payment of registration fees, but shall not be exempt from the inspection requirements of section 2122. Plates for vehicles shall be of a design determined by the Secretary of State and shall expire at the end of each 6-year semipermanent plate program. The vehicles may, in addition, display a marker or insignia, approved by the Secretary of State, plainly designating them as state-owned.

There is a limited exception for state-owned vehicles used by state departments charged with law enforcement or investigatory functions if used for those purposes by personnel having full-time enforcement or investigatory duties, if expressly authorized by the Commissioner of Public Safety. Obviously, that exception is inapposite to this situation. Therefore, the vans must be registered in all regards as are other state-owned vehicles.

If you have any further questions on these matters, please feel free to contact me.



STEVEN F. WRIGHT
Assistant Attorney General

SFW:mfe

cc: Rodney S. Quinn, Secretary of State
Linwood F. Ross, Deputy Secretary of State