

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

S. P. No. 274

S. D. No. 107

In Senate, Feb. 18, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Foster of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

RESOLVE, in Favor of the Appointment of Six Commissioners by the Governor and Council to Revise All Laws Relating to Motor Vehicles.

Resolved: That the Governor, the Attorney General, the
2 Chief Engineer of the State Highway Commission and
3 three members of the Governor's Council constituting the
4 Committee on Highways, be appointed a commission to
5 thoroughly examine all the laws of this state with reference
6 to the registration of motor vehicles of all kinds and the
7 licensing of drivers therefor, fixing the rules regulating the
8 use and speed of motor vehicles, fixing the amount of license
9 and registration fees, and prescribing proceedings for the

10 violation of the provisions of acts relative to same and
11 penalties for such violations, with the purpose in view of
12 making a complete revision of all such laws.

2. Said commissioners shall report their findings and
2 recommendations at the next session of the legislature.

3. The members of the commission shall serve without
2 salary, but all necessary expenses including clerical help
3 shall be paid from any unexpended balance in the treasury,
4 not otherwise appropriated, upon the approval of the bills
5 for the said expenses by the state auditor.

STATEMENT OF FACTS

The laws of this state relative to use of motor vehicles would seem to need careful revision and codification. At the present time some of these laws appear to be conflicting, and duties and responsibilities are improperly placed upon certain public officers.

The State Highway Commission is created the chief enforcement department for all statutes, rules and regulations relating to motor vehicles. Yet the Secretary of State, who is head of an entirely independent department would seem to be created the Secretary of the State Highway Commission for the purpose of issuing licenses and collecting fees from vehicle registration. It is his duty to publish the list of all such registrations and to publish all other information in regard to laws and regulations of the Commission. Yet, he reports solely to the Governor and Council and not to the State Highway Commission.

While the Secretary issues all licenses, the Highway Commission is given the power to suspend or revoke such licenses.

The State Highway Commission through its chief inspector and its motor police attend to the enforcement of the motor vehicle laws and act as prosecuting officers in such enforcement. Yet, at the same time, they act as a court of justice with regard to many of the regulations and may award almost summary judgment. Appeals may be taken from any order or decision of any local highway officials to the Commission and may be decided by them in a summary manner.

Many of these duties would seem to belong more properly in the Attorney General's Department and the State Highway Commission should not be bothered with the details of revoking licenses, sitting as a court upon violations of the law, or acting as prosecuting officers.

Nor should the head of one state department appear to act as a subordinate under another state department.

More definite provision should be made for the disposition of motor vehicle fees. At the present time they seem to be used for several different departments; first, the expenses of the Secretary of State in licensing operators and registering vehicles; second, for the expenses of the State Highway Commission and of the state motor police in administering the laws

and regulations of the department; third, for the repair and maintenance of state aid highways and, fourth, to meet the provisions of state bond issues for state highway construction, but no division of fees between these various departments is provided by statute. The whole question of such proportionate division seems to be left to the determination of the Treasurer of State.