

# MAINE STATE LEGISLATURE

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# EIGHTY-THIRD LEGISLATURE

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**House Document**

**No. 51**

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H. P. 178

House of Representatives, Feb. 1, 1927.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Morrill of Gray.

(500 additional copies ordered printed Feb. 2.)

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## STATE OF MAINE

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

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AN ACT to Create the Office of Commissioner of Motor Vehicles, Place the Administration of Several Motor Vehicle Provisions of Law Under His Jurisdiction and Administration: and to Place the State Highway Police, the Appointment of Highway Police Officers, and the Administration of the State Highway Police Law, Under the Jurisdiction and Control of Said Commissioner of Motor Vehicles.

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Be it enacted by the People of the State of Maine, as follows:

Section 1. There is hereby created the office of commissioner of motor vehicles. Such commissioner shall be elected by the legislature in joint convention by written ballot and the term of office of such commissioner shall be four years

5 from the time of election or until his successor is chosen  
6 and qualified. The commissioner first elected shall assume  
7 his office when this act becomes effective and shall hold  
8 his said office until the first Wednesday of January, A. D.  
9 nineteen hundred and thirty-one, or until his successor is  
10 chosen and qualified. Before entering upon the duties of  
11 his office he shall be sworn to the faithful performance of  
12 his duties. The compensation of such commissioner shall  
13 be five thousands dollars (\$5,000) per year. Such commis-  
14 sioner shall be a citizen of the state and shall furnish bonds  
15 to the treasurer of state in the sum of ten thousand dollars  
16 (\$10,000) for the faithful discharge of his duties, such  
17 bond to be approved by the governor and council. Said  
18 commissioner may appoint a deputy commissioner of motor  
19 vehicles, for whose conduct he shall be accountable. In  
20 case of a vacancy in the office of commissioner of motor  
21 vehicles by death, resignation or removal the deputy com-  
22 missioner of motor vehicles shall act as commissioner until  
23 a new commissioner has been chosen to fill the vacancy.

Sect. 2. All authority now vested in the secretary of state  
2 for the administration of the motor vehicle laws as contained  
3 in chapter two hundred eleven of the public laws of nine-  
4 teen hundred twenty-one, and acts additional thereto and  
5 amendatory thereof, is hereby transferred to, and vested  
6 in, said commissioner of motor vehicles, who is hereby  
7 charged and vested with full authority to properly and faith-  
8 fully administer said laws.

Sect. 3. Wherever in said motor vehicle law the word  
2 “secretary” or “secretary of state” appears the words ‘com-  
3 missioner of motor vehicles’ shall be substituted.

Sect. 4. The commissioner of motor vehicles shall, each  
2 year, on or before February first, prepare and present to  
3 the governor and council his report for the preceding calen-  
4 dar year.

Sect. 5. Section one of chapter one hundred forty-four of  
2 the public laws of nineteen hundred twenty-five is hereby  
3 amended by striking out all of said section and substituting  
4 in place thereof the following:

‘Section 1. The commissioner of motor vehicles may ap-  
2 point suitable persons as members of the state highway po-  
3 lice to enforce the provisions of this act, who shall hold  
4 office during the pleasure of said commissioner.’

Sect. 6. Section two of chapter one hundred forty-four of  
2 the public laws of nineteen hundred twenty-five is hereby  
3 amended by striking out the word “chief” wherever it ap-  
4 pears in said section and inserting in place thereof the words  
5 ‘commissioner of motor vehicles.’

Sect. 7. Section four of chapter one hundred forty-four  
2 of the public laws of nineteen hundred twenty-five is hereby  
3 amended by striking out all of said section and substituting  
4 in place thereof the following:

‘Sect. 4. Members of the state highway police may be  
2 designated and assigned to special duty as inspectors to en-  
3 force the laws, rules and regulations relating to the registra-

4 tion of motor vehicles and the licensing of operators of  
5 motor vehicles; but assignment to special duty shall not af-  
6 fect their powers as state highway police. Such inspectors  
7 shall aid the state highway commission in the enforcement  
8 of its rules and orders and permits pertaining to the use of  
9 highways.'

Sect. 8. Section five of chapter one hundred forty-four  
2 of the public laws of nineteen hundred twenty-five is hereby  
3 amended by striking out the words "of the chief" in the  
4 second line of said section and also the word "other" in the  
5 third line of said section and by inserting after the word  
6 "state" at the end of the fifth line in said section the words  
7 'in the sum of two thousand dollars (\$2,000),' and by strik-  
8 ing out after the word "officer" in the sixth line of said  
9 section the words "as follows: the chief shall give bond in  
10 the sum of five thousand dollars and each of the other mem-  
11 bers in the sum of two thousand dollars." And by striking  
12 out the word "chief" in the sixteenth line of said section and  
13 inserting in place thereof the words 'commissioner of motor  
14 vehicles,' so that said section as amended shall read as fol-  
15 lows:

'Sect. 5. The governor and council shall determine the  
2 salary and the compensation of the members of the state  
3 highway police. Before entering upon the duties of their  
4 office they shall be sworn and shall give bond to the treas-  
5 urer of state with surety or sureties approved by the treas-  
6 urer of state in the sum of two thousand dollars (\$2,000)

7 conditioned for the faithful performance of the duties of  
8 their office. No inspector or member of the state highway  
9 police shall receive any fee as a complainant or witness, or  
10 for making an arrest or for attendance at court, but shall be  
11 reimbursed by the state for his actual costs of arrest and  
12 actual expenses of travel and attendance. Whenever any  
13 fines or penalties are imposed by any court in any proceed-  
14 ing in which a member of the state highway police is a  
15 complainant or a witness, said court may tax costs for such  
16 complainant or witness in the usual manner. He shall re-  
17 ceipt for same when paid and immediately transmit it to  
18 the commissioner of motor vehicles, who shall pay forth-  
19 with the same to the treasurer of state.'

Sect. 9. Section six of chapter one hundred forty-four of  
2 the public laws of nineteen hundred twenty-five is hereby  
3 amended by striking out all of said section and substituting  
4 in place thereof the following:

'Sect. 6. All powers and duties now vested by statute in  
2 the state highway commission or the secretary of state per-  
3 taining to the registration and marking of vehicles, making  
4 and promulgating rules and regulations as to lamps, lights,  
5 and brakes, the revocation or suspension of operators' li-  
6 censes and the suspension or revocation of registrations of  
7 motor vehicles, including complaints, hearings and all mat-  
8 ters set forth in sections twenty-eight and thirty-five to forty-  
9 three inclusive, of chapter two hundred and eleven of the  
10 public laws of nineteen hundred and twenty-one as amend-

11 ed, concerning the powers and duties of said state highway  
12 commission and secretary of state with respect to such hear-  
13 ings, suspensions or revocations, are hereby transferred to  
14 and imposed and conferred upon the commissioner of motor  
15 vehicles; and wherever in said chapter the words "the com-  
16 mission or secretary of state" are used respecting said trans-  
17 fer of such powers and duties, said words shall mean the  
18 commissioner of motor vehicles. All such proceedings,  
19 pending before the state highway commission or the sec-  
20 retary of state at the time this act takes effect, shall be  
21 transferred to and reheard or decided by the commissioner  
22 of motor vehicles as justice may require. All existing rules,  
23 orders and decisions of the state highway commission or  
24 secretary of state made in said matters and in force when  
25 this act takes effect shall continue until modified or reversed  
26 by the commissioner of motor vehicles. In the absence of  
27 the commissioner of motor vehicles his deputy may act in  
28 any matter. The commissioner of motor vehicles shall have  
29 custody and control of all dockets, papers and records of  
30 the state highway commission and secretary of state per-  
31 taining to said rules and the suspension or revocation of  
32 said licenses and registrations.'

Sect. 10. Upon final passage of this act the legislature,  
2 before final adjournment, shall elect a commissioner of mo-  
3 tor vehicles who shall assume office as provided in section  
4 one.