

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

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VOLUME I



By the Authority of the Legislature

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For filing certificate of organization of a cooperative marketing association, \$10; for filing an amendment thereto, \$2.50.

See 3rd ¶ of § 1, re fees paid over to treasurer of state.

**Sec. 7. Fees payable by public officers to secretary of state.** R. S. c. 126, § 12. 1931, c. 216, Art. VII, § 7. A fee of \$5 shall be paid to the secretary of state by any person appointed to the office of justice of the peace, trial justice, notary public, inspector of fish, commissioner to take depositions and disclosures, disclosure commissioner, commissioner appointed under section 24 of chapter 154, and by any woman appointed to administer oaths and take acknowledgements of deeds, before he or she enters upon the discharge of his or her official duties.

## CHAPTER 19.

### MOTOR VEHICLES.

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#### Definitions

**Sec. 1. Terms defined.** R. S. c. 29, § 1. 1935, c. 175, § 1. 1937, c. 52. 1939, c. 37; c. 238, § 1. As used in this chapter, unless the context otherwise indicates, the word "way" includes all kinds of public ways; the word "team" and the word "vehicle" shall each include all kinds of conveyances on such ways for persons and for property, except those propelled or drawn by human power, or used exclusively on tracks; the word "trailer" shall mean any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, not operated on tracks, and so constructed that no part of its weight rests upon the towing vehicle; the word "semi-trailer" shall mean

any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so designed that some part of its weight and of its load rests upon or is carried by such motor vehicle, and shall include pole dollies, pole dickeys, so called, and wheels commonly used as a support for the ends of logs or other long articles; the term "truck tractor" shall mean any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn (trucks used as truck tractors shall be rated as truck tractors); the term "farm tractor" shall mean any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry; the term "road tractor" shall mean any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn; the term "solid tires" shall include tires of rubber or other material that do not depend on confined air for the support of the load; the term "pneumatic tire" shall mean every tire in which confined air is designed to support the load; the term "motor vehicle" shall mean any self-propelled vehicle not operated exclusively on tracks, including motor-cycles. The term "motor truck" shall mean any motor vehicle designed or used for the conveyance of property; the word "tractor" shall also include any motor truck designed or used for the sole purpose of hauling or partially carrying trailers or semi-trailers; the word "motor-cycle" shall mean all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof, or attached thereto, and having pedals and saddle with driver sitting astride or a platform on which said driver stands; the word "owner" shall mean any person, firm, corporation, or association owning a vehicle or the mortgagor or the vendee in a conditional sales contract; the word "curb" shall mean the outer edge of a defined sidewalk or either edge of the wrought or usually travelled part of a way; the word "section" shall refer to this chapter unless otherwise indicated; and the words in the context indicating operation or use of a vehicle refer to its operation or use upon any way or bridge in this state, including public parks or parkways.

See §§ 21, 30, 64, 65, 78; c. 9, § 21, re rules of construction; c. 84, § 95, re "highway" defined; \*124 Me. 198; 131 Me. 53; 135 Me. 159; 136 Me. 165.

Note: See P. L. 1943, c. 160, for definition of the word "plate". The act remains in force for duration of the war and 6 months thereafter.

## Registration of Vehicles. Licensing of Operators. Suspension of Licenses. Fees.

See c. 13, § 4, re state police as inspectors.

**Sec. 2. Secretary of state to register motor vehicles; reports.** R. S. c. 29, § 29. The secretary of state shall collect all fees required for licensing and registering all motor vehicles and operators thereof, and shall forthwith transmit the same to the treasurer of state. He shall from time to time as required by the governor and council, make report of his doings and of the fees received from motor vehicle registrations, licenses issued, and from other sources, with such recommendations as he may consider appropriate.

138 Me. 348.

**Sec. 3. Deputies.** R. S. c. 29, § 30. The secretary of state may appoint and deputize agents, examiners, and inspectors, stationed at convenient places

in the state, to receive applications for registration and licenses for the operation of motor vehicles, and to conduct examinations when ordered by the secretary of state.

**Sec. 4. Secretary of state may conduct hearings to aid in enforcement of motor vehicle laws; fees of witnesses; justice superior court may issue summary process to enforce orders.** R. S. c. 29, § 31. 1931, c. 216. In the administration of the laws relative to motor vehicles and to the operators and the operation thereof, the secretary of state may conduct hearings, subpoena witnesses, administer oaths, take testimony, and order the production of books and papers, and for the purposes mentioned in this chapter may issue all processes necessary for the performance of his duties. The fees for travel and attendance of witnesses shall be the same as for witnesses before the superior court and shall be paid by the state out of motor vehicle registration fees upon certificates of the secretary of state filed with the controller. Any justice of the superior court, on the petition of the secretary of state, may issue summary process to enforce the lawful orders of the secretary of state in any matter.

**Sec. 5. Records of secretary of state open to public inspection; complaint may be regarded as confidential.** R. S. c. 29, § 32. All records of the secretary of state pertaining to the applications and registration of motor vehicles and to operators' licenses shall be open to public inspection during office hours. Complaints in writing may be regarded as confidential.

**Sec. 6. Secretary of state may suspend or revoke operator's license or certificate of registration.** R. S. c. 29, § 42. The secretary of state may suspend or revoke any certificate of registration or any license issued to any person to operate a motor vehicle after hearing for any cause which he deems sufficient. Pending a speedy hearing he may also summarily suspend a license of any motor vehicle operator in his discretion and may order the license or registration certificate to be surrendered to him whenever he has reason to believe that the holder thereof is an improper person or incompetent to operate a motor vehicle, or is operating so as to endanger the public; and neither the certificate nor the license shall be reissued unless upon examination or investigation the said secretary or the appellate court determines that the operator shall again be permitted to operate.

**Sec. 7. Appeal may be taken from decision or ruling of secretary of state to justice of superior court.** R. S. c. 29, § 46. If any person is aggrieved by the decision of the secretary of state in revoking or suspending a license or certificate of registration or by the refusal of the secretary of state to issue a license or certificate of registration, he may within 10 days thereafter appeal to any justice of the superior court, by presenting to him a petition therefor, in term time or vacation. Such justice shall fix a time and place for hearing, which may be in vacation, and cause notice thereof to be given to the secretary of state; and after hearing such justice may affirm or reverse the decision of the secretary of state and the decision of such justice shall be final. Pending judgment of the court, the decision of the secretary of state in revoking or suspending any license or certificate of registration shall remain in full force and effect.

#### Rules and Regulations

**Sec. 8. Secretary of state to make rules and regulations; when changes take effect; evidence.** R. S. c. 29, § 68. The secretary of state may also make rules

and regulations not inconsistent with this chapter or other laws of the state, found needful to administer the provisions of this chapter. The rules and regulations of the secretary of state and any changes therein shall take effect when approved by the governor and council and published at least once in each daily newspaper in the state. The certificate of the secretary of state shall be received as prima facie evidence in any court of law to prove that such rules and regulations have been enacted as provided in this chapter.

See § 31.

**Sec. 9. Notice of hearings; service of notice.** R. S. c. 29, § 44. Notice of any hearing held by the secretary of state, or by his authority, under the provisions of this chapter, shall state the place, day, and hour thereof, and warn the licensee or registrant that he may then and there appear, in person or through counsel, to show cause why his license should not be suspended or revoked, or why the registration of the vehicle should not be annulled; and service of such notice shall be sufficient if sent by registered mail to the address given by the licensee or registrant, 5 days at least before the day set for the hearing.

**Sec. 10. Secretary of state to publish abstract of laws.** R. S. c. 29, § 101. The secretary of state shall publish an abstract of statutes pertaining to motor vehicles and the law of the road and rules and regulations made by the secretary of state and by the state highway commission pertaining to the administration of the duties of the secretary of state and the highway commission under the provisions of this chapter, together with such other information as he deems helpful to public safety and the better regulation of traffic.

**Sec. 11. Secretary of state authorized to destroy records more than 2 years old.** R. S. c. 29, § 121. 1931, c. 45. The secretary of state is hereby authorized to remove and destroy all records and papers in his office pertaining to the registration of motor vehicles and the issuance of operators' licenses which are more than 2 years old and are not in use, and which in his judgment are no longer of value.

See c. 1, § 36, re destruction of records.

**Sec. 12. Reports of thefts of motor vehicles made to secretary of state to be recorded; to make a report to other states; owner to report recovery.** R. S. c. 29, §§ 104, 105. Whenever the secretary of state shall receive report of the theft of a motor vehicle, whether the same be registered or not, and whether owned in this or any other state, together with a description of the same, he shall make a distinctive record thereof and cause the same to be properly filed, and shall promptly report by mail or otherwise the theft of said vehicle to the motor vehicle commissioners or departments of such states of the United States and provinces of the Dominion of Canada as he deems needful, giving a complete description of the vehicle, including the name and post-office address of the person reporting the theft. Whenever the owner of a vehicle so reported as stolen shall recover it, he shall notify the secretary of state that the vehicle has been recovered, and the said secretary shall remove or cancel his record of theft and notify each of said foreign motor vehicle commissioners or departments of such recovery.

## Registration

Fees. Conditions. Transfers. Temporary Plates. Manufacture of Plates.  
Equipment of Motor Vehicles. Inspection.

Sec. 13. Motor vehicles and trailers to be registered; applications; secretary of state may refuse registration; motor vehicles controlled by state or municipal corporation to be registered free of charge; registration certificates, termination of. R. S. c. 29, §§ 50, 58, 60, 65. 1931, c. 224, § 2. 1933, c. 58. 1937, c. 207. 1939, c. 221; c. 238, § 5; c. 239, Art. III, § 1; c. 301, § 3. 1941, cc. 221, 224. 1943, c. 62. No motor vehicle or trailer shall be operated, or remain upon any way, unless the same is registered and equipped in accordance with the provisions of this chapter. Application for such registration may be made by mail or otherwise to the secretary of state upon blanks prepared under his authority. The application shall be signed by the owner and shall contain such particulars as may be required by the secretary of state, including the name, residence, and address of the owner, with a brief description of the vehicle, the name of its maker, the motor and serial numbers, the amount of motive power, stated in figures of horse-power, and the actual weight of the vehicle, and its load capacity, if intended for commercial use.

The secretary of state shall maintain a file of said applications arranged alphabetically according to the name of the applicant, and in addition thereto shall maintain a file arranged under the name of each make of motor vehicle with the manufacturer's engine or serial numbers. In case said applicant has not given satisfactory answers, the secretary of state shall refuse to register such vehicle, or to issue a license for its operation.

No registration or license shall be required to permit the use of a truck, trailer, or tractor on that part of a way adjoining the premises of the owner of such truck, trailer, or tractor.

No registration or license shall be required for a farm tractor when the same is used solely for farming purposes, and such farm tractors may be operated, without registration or license, from or to the premises where the same are kept to or from a farm lot, and between farm lots, used for farm purposes by the owner of the farm tractor.

Upon the presentation of an application for registration of a motor vehicle or trailer, the engine or serial number of which has been omitted, altered, removed, or defaced, the secretary of state shall assign a special number. Said secretary of state shall also issue a return card to be filled in by the operator of an inspection station, that the number has been embossed, stamped, or entered on said motor vehicle. A record of the special number shall be maintained by the secretary of state.

Every operator of combinations of truck tractor and semi-trailer may make application upon a blank supplied by the secretary of state for a generally distinguishing number, color, or mark. The secretary of state may, if satisfied with the facts stated in the application, grant the application and issue to the applicant a certificate of registration, containing the name, place of residence, and address of the applicant, and the generally distinguishing number, color, or mark assigned to him and made in such form as the secretary of state may determine; and all semi-trailers operated by said applicant on the highway shall be regarded as registered under such generally distinguishing number, color, or mark when operated upon the highways of this state. The secretary of state shall furnish said operator with 1 number plate to be displayed on the rear of each semi-trailer so operated.

The fee for each number plate shall be \$5.

Extra number plates shall be furnished to replace lost or mutilated plates for 75c each.

All motor vehicles owned and used by the state, or any municipal corporation therein, shall be registered, but shall be exempt from the provisions of this chapter as to payment of registration fees; but all such vehicles shall display registration plates as required by this chapter or approved by the secretary of state.

The secretary of state is authorized to issue registration certificates and registration plates without fee to federal and state governmental agencies, not otherwise required to be registered under the provisions of this chapter.

All registrations of vehicles, all certificates of registrations and number plates shall terminate and become void at midnight on the 31st day of December of each year, except as provided for in section 17.

\*115 Me. 134; \*116 Me. 202, 275; \*117 Me. 117, 455; 120 Me. 142; 138 Me. 348.

**Sec. 14. Payment of poll-tax before registration.** 1939, c. 191, § 2. No person required by law to pay a poll-tax in this state shall be granted a registration for a motor vehicle until he shall present a receipt or certificate that he has paid his poll-tax in the town where he resided for the year preceding that for which the license is applied for or written evidence from the taxing authority of that town that he was legally exempted therefrom or that the tax has been abated.

See c. 81, § 1, re poll-taxes.

**Sec. 15. Fees for registration of vehicles; ½ regular fee after September 1st.** R. S. c. 29, § 54. 1931, c. 234, § 1; c. 262. 1935, c. 62; c. 175, § 2. 1937, cc. 76, 135, 164, 166, 196. 1939, c. 150, § 1; c. 152; c. 238, §§ 2, 3; c. 239, Art. III, § 2; c. 301, § 4. 1941, c. 261. The annual fees for the registration and licensing of vehicles shall be in accordance with the following schedule, and shall accompany the application for registration:

**I. Motor vehicles.** (1935, c. 62) (1937, c. 135) (1939, c. 150, § 1; c. 152)

**A. Used for the conveyance of passengers,**

0 horse-power to and including 17 horse-power	\$10
18 horse-power to and including 24 horse-power	12
25 horse-power to and including 30 horse-power	14
31 horse-power and over	16.

**B. Used for livery or hire, double the above fees; provided, however, that private automobiles occasionally employed for use at funerals by a duly registered or licensed undertaker, and not otherwise used for hire shall not be subject to such double fees; provided also that funeral coaches and funeral hearses used by a duly registered or licensed undertaker incident to the business of a mortician shall pay in accordance with the above fees but shall not be required to pay double. All funeral coaches or funeral hearses used for hire for any other purpose than that incident to the business of a mortician shall pay the same registration fees as required for motor vehicles used for livery or hire; and provided further, that motor vehicles used for no other passenger service or hire than for the transportation of school children to and from school are not subject to the double registration fee.**

**C. Used for the carrying of passengers for hire and**

1. Operating under the provisions of chapter 44, or
2. Operating, regularly or seasonally, in interstate commerce, over regular routes, between any point or points in this state and any point or points in any other state or between any point or points in any adjacent



foreign country and any point or points in this state more than 15 miles from the place of entry into this state, shall pay registration fees as follows: motor vehicles of not over 7 persons seating capacity shall pay the fees as provided in the foregoing part of this section; motor vehicles of over 7 persons seating capacity shall pay in addition to the above fees an additional sum of \$2.50 for each seat in addition to seven. Provided also that motor vehicles owned by residents of any state, province, or foreign country, where residents of this state registering motor vehicles are required to pay double the fees charged against resident owners, shall pay double the fees indicated above, whether for private use or for livery or hire.

## II. Tractors or road tractors. (1935, c. 175, § 2)

Equipped with	Per H. P.	Per 100 lbs. weight
Pneumatic tires .....	25 cents	25 cents
Solid rubber tires .....	25 cents	50 cents
Iron, steel, or other hard tires .....	25 cents	80 cents

The minimum fee shall never be less than \$2.

Farm tractors used for agricultural purposes or not customarily used on public ways shall pay 1/10 of the above rates; caterpillar tractors, so called, except as above provided, shall pay a registration fee of \$15, except that, when so constructed as to carry a load, they shall be rated as trucks.

## III. Trailers. (1931, c. 262) (1935, c. 175, § 2) (1937, cc. 76, 164, 196) (1939, c. 238, § 2) (1941, c. 261)

Equipped with	Per 100 lbs. gross weight of vehicle and load
Pneumatic tires .....	15 cents
Solid rubber tires .....	40 cents
Iron, steel, or other hard tires .....	75 cents

up to 1,000  
lbs. load  
capacity

The minimum fee shall never be less than \$2. Provided, however, that the maximum fee for all trailers, whether semi-trailers or four-wheeled type, equipped with pneumatic tires and drawn at all times exclusively by farm tractors, shall be \$2 for each trailer when the said trailers are used and to be used by farmers for the sole and exclusive purpose of transporting their own farm products, crops, fertilizers, and farm tools and utensils, and subject to the further conditions and limitations that

- A. no such load so transported shall at any time exceed 4 tons;
- B. no such load shall be transported a distance greater than 20 miles from the point of origin to the point of destination; and
- C. no such load shall be transported on the public highways of this state at a speed in excess of 15 miles an hour.

A violation of any of the terms and conditions of this subsection shall automatically disqualify the violator from the benefits hereof.

Trailers having a carrying capacity of 1,000 pounds or more shall be classified and rated as trucks.

House trailers and camp trailers of the covered wagon type shall be registered and pay a fee of \$5 for such registration.

Not more than 1 trailer shall be drawn by a motor vehicle.

Provided further, that no motor vehicle, including trucks, combination of tractor and semi-trailer, passenger busses and passenger cars shall exceed in

length 40 feet over all and no trailer attached to a motor vehicle shall exceed in length 26 feet over all.

Stone-crushers, air compressors, power shovels or cranes, graders, rollers, well-drillers, and wood-sawing equipment, any of which are permanently mounted on a traction unit or motor chassis, shall be registered and a fee of \$10 shall be paid for such registration in lieu of all other registration fees.

It is further provided that the movement over the highways of any of the above described equipment, the weight of which is in excess of 10 tons, shall be subject to the provisions of section 89, and permits to move said equipment shall be obtained accordingly.

IV. Motor-cycles ..... \$5 each.

V. Motor-cycle side-cars ..... \$5 each.

VI. Computation of fees. (1931, c. 234, § 1) (1935, c. 175, § 2) (1937, c. 166) (1939, c. 238, § 3; c. 239, Art. III, § 2; c. 301, § 4) In computations under the provisions of this section minor fractions of horse-power and weight shall carry the lower rating, and major fractions shall carry the next higher rating.

Horse-power specified in this chapter shall be based on the "A.L.A.M." standard, so called.

"Steam vehicles." In the computation of fees for all vehicles propelled by steam, the horse-power rating shall be based on the system of rating adopted by the United States government.

"Electric vehicles." For vehicles propelled by electricity the rating shall be the normal horse-power designated by the manufacturers of the electric motor or motors in the vehicle.

In computation of fees for a combination of truck tractor and semi-trailer, the vehicle to be registered for carrying capacity shall be the truck tractor which shall take the same rating as a truck of similar capacity; provided, however, that no motor vehicle of either a single unit or combined unit shall be operated on the highway with a load that exceeds 40,000 pounds, gross weight of vehicle and load.

In the computation of fees based on gross weight, said gross weight, in the case of freight or merchandise vehicles, shall be the actual weight of the vehicle in pounds plus the manufacturer's rated load capacity, and in the case of passenger vehicles shall be the actual weight of the vehicle. In no case shall the registration fee be less than \$10.

On any application for registration applied for by an owner resident of this state, of a motor vehicle or trailer, not including a log hauler, or traction engine, during the period between the 1st day of September and the 31st day of December,  $\frac{1}{2}$  the registration fee shall be charged. The secretary of state upon granting the application shall register in a book or upon suitable index cards to be kept for the purpose, the vehicle described in the application, giving to its owner a distinguishing number or other mark, and shall thereupon issue a certificate of registration which shall contain the name, place of residence, and address of the owner.

Sec. 16. Motor vehicles carrying passengers for hire shall procure insurance. 1935, c. 131. The secretary of state shall not register any motor vehicle used for livery or hire, except as provided in section 8 of chapter 44, and no person, firm, or corporation shall operate or cause to be operated upon any public highway in this state any such motor vehicle until the owner or owners thereof shall

have procured insurance in a sum not less than \$5,000, or a bond having a surety company authorized to transact business in this state, or 2 individuals as sureties thereon, in a like minimum sum, which insurance or bond shall be approved by the secretary of state and shall indemnify the insured against any legal liability for personal injury, the death of any person, or property damage, which injury, death, or damage may result from or have been caused by the operation of the motor vehicle described in the contract of insurance or such bond.

Sec. 17. Registration number plates; valid until March of next calendar year; certificate of registration to be carried by operator or about the vehicle; emergency and reregistration number plates. R. S. c. 29, § 55. 1931, c. 224, § 1. 1935, c. 162. 1941, c. 223; c. 306, §§ 1, 2. The secretary of state shall furnish suitable number plates, seals, and other distinguishing marks, without charge, to every person whose vehicle is registered under the provisions of this chapter. Such plates shall be of a distinctly different color or shade each year and shall be in such form as the secretary of state may determine; and shall bear the numerals of the year of issue, or the last 2 numerals of said year, the word "Maine" or the abbreviation "Me." in letters not less than  $\frac{3}{4}$  inch in height, and on plates issued for passenger vehicles for private use, hire cars, and trucks, there shall be placed at the bottom thereof in letters not less than  $\frac{3}{4}$  inch in height the word "Vacationland." The numerals of the register number thereon, except on motor-cycle number plates, shall be substantially not less than 3 inches high. The secretary of state may select and issue a special distinguishing letter, mark, or design for number plates issued to manufacturers and dealers; also for any temporary or other special classes of registration and for use on motor-cycles, trucks, trailers, tractors, and side-cars, which are required to be registered under the provisions of this chapter.

Number plates so furnished shall be valid only for the calendar year for which they are issued, except that on and after December 25th of such calendar year, it shall be lawful to use and display on motor vehicles, the number plates issued for the next succeeding year; provided further, that motor vehicle registrations and license tags issued thereon in any calendar year shall be valid for use and display until March 1st of the next calendar year. Each number plate displayed shall be horizontal and shall be so fastened as not to swing, and its lower edges shall be at least 12 inches from the ground. Not more than 1 set of number plates shall be displayed upon any vehicle, except as may be otherwise permitted by law.

The owner who returns number plates with an affidavit that they have never been used shall be refunded the registration fee paid.

In the case of all motor vehicles and tractors, 1 number plate shall be attached to the front and the other to the rear of said vehicle, so that the plates and the registered number thereon shall always be plainly visible. In the case of trailers, semi-trailers, and side-cars, one such plate shall be attached to the rear thereof and shall be always plainly visible. All plates shall be kept reasonably clean and the numbers legible.

The certificate of registration shall always be carried on the person of the operator or occupant, or in some easily accessible place in or about the vehicle therein described, except that certificates of registration of dealers need not be so carried.

If any number plate is lost or the register number thereon becomes mutilated or illegible, the owner or person in control of the vehicle for which said number plate was furnished shall immediately place a temporary number plate bearing

his register number upon said vehicle. Such temporary number plate shall conform to the register number plate and shall be displayed as nearly as possible as provided in this chapter for said regular number plate, and such person shall within 24 hours after such loss or mutilation give notice thereof to the secretary of state and apply under oath for new number plates; and thereupon the secretary of state, if satisfied of the truth of the facts stated in the application, shall supply a new set of number plates upon payment of a fee of 75c for each plate.

If the secretary of state is unable to furnish immediately to any person entitled thereto any plate or marker provided in this chapter, he may issue a temporary certificate with temporary number plates, which certificate shall be carried and said plates shall be displayed upon said vehicle in the same manner as required for regular certificates and number plates. Whenever one of a set of number plates is lost and a new set is issued, as provided in this section, the remaining plate shall forthwith be returned to the secretary of state. In case plates are lost in transportation, and the applicant shall certify in the affidavit that the plates have not been received by him and agrees that if they shall be received at some later date to return them forthwith, the secretary of state, after a thorough investigation, may furnish the applicant with a second set of plates without additional charge.

Notwithstanding the preceding provisions of this section, the secretary of state may provide and issue a suitable device in lieu of new registration number plates for any calendar year. Such device shall clearly indicate the year or period for which issued and shall be furnished only upon application and payment of registration fees now required by statute, and when such device is so attached to the appropriate vehicle or to the plate thereon, such vehicle shall be deemed properly registered for the period specified; subject, however, to suspension or revocation of registration as provided by statute.

The secretary of state may issue permanent registration plates so designed and equipped as to provide for the reregistration thereof by changing the expiration date on such plates without the issuance of new plates.

Sec. 18. Schedule of fees for registration of motor trucks, except as previously provided. R. S. c. 29, § 57. 1931, cc. 172, 177. 1935, c. 170, § 1. 1937, c. 55. 1941, c. 19. 1943, cc. 32, 106. With each application for registration of a motor truck, shall be deposited an annual registration fee graduated as follows when equipped with pneumatic tires:

For such vehicles having a rated carrying capacity of 1,000 pounds or less .....	\$10
Over 1,000 pounds and not over 1 ton .....	15
Over 1 ton and not over 2 tons .....	20
Over 2 tons and not over 2½ tons .....	30
Over 2½ tons and not over 3 tons .....	35
Over 3 tons and not over 4 tons .....	80
Over 4 tons and not over 5 tons .....	100
Over 5 tons and not over 6 tons .....	125
Over 6 tons and not over 7 tons .....	150
Over 7 tons and not over 8 tons .....	175
Over 8 tons and not over 9 tons .....	200
Over 9 tons and not over 10 tons .....	225
Over 10 tons and not over 11 tons .....	250
Over 11 tons and not over 12 tons .....	275
Over 12 tons .....	300.

Provided, however, that trucks for the registration of which a fee of \$100 or more has been paid, may be operated on the highways during the month of December of the year in which such fee has been paid, and during the months of January and February of the year immediately following, with any overload; providing it is not in excess of the requirements of section 100.

Provided, however, that every such vehicle equipped with 2 or more solid tires shall pay an additional fee of  $33\frac{1}{3}\%$  more than any such vehicle would be required to pay if equipped with pneumatic tires. But no vehicle shall be operated on ways or bridges, either loaded or without load, that exceeds the limits prescribed in section 100 or is contrary to the provisions of any other section of this chapter, or any other statute pertaining thereto. Provided further, that no trucks shall be registered for less than the manufacturer's rated capacity.

Provided further, that when a truck is already registered, the owner, by paying an additional fee, may receive a short term permit allowing him to haul loads of larger tonnage for a limited period of less than 1 year. No such permit shall be issued for less than 1 month and no permit shall extend beyond the expiration of the regular license. The fee shall be a percentage of the difference between the owner's present registration fee and the annual fee for the desired tonnage and shall be computed according to the following table:

1-month permit .....	20%
2-month permit .....	30%
3-month permit .....	40%
4-month permit .....	50%
5-month permit .....	60%
6-month permit .....	70%
7-month permit .....	75%
8-month permit .....	80%
9-month permit .....	85%
10-month permit .....	90%
11-month permit .....	95%.

**Sec. 19. Dealer's registration; fees for plates; vehicles under dealer's registration not to be operated for hire; application upon blank provided by secretary of state; limitation of use of commercial vehicle so registered; notification of transfer.** R. S. c. 29, §§ 60, 64. 1931, c. 69; c. 234, § 2. 1933, c. 234. 1939, c. 222, § 1. 1941, c. 222. 1943, c. 173. Every manufacturer or dealer in new or used motor vehicles or trailers, may, instead of registering each vehicle owned or controlled by him, make application upon a blank provided by the secretary of state for a general distinguishing number, color, or mark. The secretary of state, if satisfied with the facts stated in the application, may grant the application and issue to the applicant a certificate of registration, containing the name, place of residence, and address of the applicant, and the general distinguishing number, color, or mark assigned to him and made in such form as the secretary of state may determine, and all vehicles owned or controlled by such applicant shall be regarded as registered under such general distinguishing number, color, or mark until sold, exchanged, or operated for hire. The annual fee for every such certificate of registration shall be \$60. The secretary of state shall furnish the applicant with 4 pairs of registration number plates free of cost; and there may be issued to any such applicant 2 similar pairs of plates, in addition to the 4 pairs so issued, upon payment of \$10 for each such additional pair; and upon payment of \$5 per pair, additional plates shall be furnished. Extra registration plates shall be furnished to replace lost or mutilated plates for 75c each. Single plates shall be furnished for trailers. On applications for registration, or for

additional plates applied for during the period between the 1st day of September and the 31st day of December in any year,  $\frac{1}{2}$  of the registration fee shall be charged. No motor truck, tractor, or trailer registered under the provisions of this section shall be used for other than demonstration, service, or emergency purposes.

Whenever a manufacturer or dealer sells or exchanges a motor vehicle or trailer, he shall immediately notify the secretary of state that the vehicle has been sold or exchanged, giving the name of the previous owner if a second-hand car, a description of the vehicle, name of maker, motor and serial number, and name and address of the vendee.

See § 30; 138 Me. 348.

**Sec. 20. Motor-cycle dealer's registration; fee.** R. S. c. 29, § 61. Every manufacturer or dealer in motor-cycles shall annually pay a fee of \$15 for a registration certificate to handle, demonstrate, sell, and exchange motor-cycles. The secretary of state shall furnish the manufacturer of, or dealer in, motor-cycles with 3 sets of distinguishing plates free of cost, and additional sets for \$5 per set. For every plate in addition to the 3 originally furnished to the manufacturer or dealer in motor-cycles, to replace lost or mutilated plates, 50c shall be charged.

**Sec. 21. Dealer's registration fee to be paid before December 31 of preceding year.** R. S. c. 29, § 62. 1939, c. 222, § 2. Every manufacturer or dealer in new or used motor vehicles or trailers shall pay to the secretary of state the required registration fee for the succeeding year on or before the 31st day of December annually; provided that any manufacturer or dealer in new or used motor vehicles or trailers commencing business after the 1st day of January of any year shall pay the fee at the time of commencing business. The word "dealer" as used in this chapter shall mean any person, firm, or corporation which is a recognized agent of a motor vehicle manufacturer, or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer, or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the sale of second-hand motor vehicles being incidental thereto. The words "used car dealer" as used in this chapter shall mean any person, firm, or corporation whose principal business is the buying and selling of second-hand motor vehicles.

See §§ 1, 30, 64, 65, 78.

**Sec. 22. Special license for motor service station or repair shop for purpose of moving unregistered vehicles.** R. S. c. 29, § 63. Any person engaged in the business of carrying on a motor vehicle service station or repair shop may make application under oath to the secretary of state for a special license to move and operate any unregistered motor vehicle or trailer, not his own, to and from any service station or repair shop for the purpose of making repairs or performing other labor on said vehicle, and delivering it to the owner. The said secretary may grant the application if satisfied of the facts therein stated, and upon payment of a fee of \$10, issue to the applicant an annual license containing the name and business address of the licensee, together with 1 set of number plates of a distinguishing color or design. Such plates when conspicuously attached to each end of any such vehicle shall authorize its operation by any licensed operator of motor vehicles over ways and bridges for the purposes herein specified. After the 1st day of October,  $\frac{1}{2}$  of such fee shall be charged.

**Sec. 23. Registration certificate not transferable; vendor to notify secretary of transfer.** R. S. c. 29, § 66. Upon the transfer of ownership of any motor vehicle or trailer, its registration shall expire and the person in whose name such vehicle or trailer is registered shall forthwith return the certificate of registration to the secretary of state with a written notice containing the date of the transfer of ownership and the name, place of residence, and address of the vendee and a description of the vehicle, including its motor and serial number.

See § 30.

**Sec. 24. Registration in same calendar year; fees and procedure.** R. S. c. 29, § 67. 1935, c. 113, § 1. 1941, c. 124. Whoever transfers the ownership or discontinues the use of a registered motor vehicle or trailer and applies to the secretary of state for registration of another motor vehicle or trailer in the same calendar year, shall be entitled to a certificate of registration permitting the use of number plates of the proper class of registration thereon upon payment of a transfer fee of \$2, provided the fee is the same as that of the former vehicle; but if the fee for the vehicle to be registered is greater he shall pay in addition to the transfer fee of \$2 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. Whoever transfers the ownership or discontinues the use of a motor-cycle and applies for the registration of another motor-cycle within the same calendar year, shall pay for the registration certificate thereof a fee of \$1, which fee shall include the number plate. The certificate issued for the registration of the former vehicle shall be returned to the said secretary, showing that the ownership of such vehicle has been transferred or its use discontinued and that the registration has been canceled.

No portion of any fee once paid in any calendar year shall be repaid to any person, but from January 1 to September 1 in the same calendar year any amount paid for registration of a vehicle shall remain as full credit toward the registration of another vehicle in place of the one represented by the surrendered registration, and from September 1 to December 31 in the same calendar year such credit shall not exceed  $\frac{1}{2}$  of the amount of the original fee.

See 1943, c. 319, re rebate of registration fees on motor vehicles taken by eminent domain.

**Sec. 25. Number plates reserved.** R. S. c. 29, § 102. 1931, c. 79. 1939, c. 112. 1941, c. 246. The secretary of state shall reserve until the December 1 preceding the year for which plates are issued the same registration number for the succeeding year for persons who shall, previous to said 1st day of December, pay for the registration of his vehicle for the succeeding year, and otherwise comply with the provisions of the motor vehicle law. If a person wishes to retain his registration number and does not have a car to register on said December 1st, he may hold his registration number by depositing with the secretary of state the sum of \$10 to be applied as part payment of the registration fee when plates are issued.

Application for registration numbers as herein provided shall be made on cards provided by the secretary of state.

All numbers other than those reserved as herein provided shall be released and issued in rotation after said December 1, except that a person wishing to select a number out of rotation may do so by paying his registration fee and a reserved number fee of \$1.

The amount received from the fee charged for reserved numbers shall go into the general highway fund of the state.

Sec. 26. Procedure when application for registration of motor vehicle reported stolen is received. R. S. c. 29, § 106. Whenever the secretary of state shall receive an application for registration of a vehicle previously reported as stolen, he shall notify the owner of such vehicle as shown by the records of his office; and unless registration has already been issued, he may withhold registration until further investigation.

Sec. 27. Truck, tractor, trailer, or semi-trailer, with a load greater than that specified on registration certificate not to be operated on highway. R. S. c. 29, § 110. 1935, c. 170, § 2. 1939, c. 238, § 6. No person shall operate, or cause to be operated, any truck, tractor, trailer, or combination of truck tractor and semi-trailer, with a load that is more than 20% above that specified in the registration certificate for such vehicle for trucks of capacity of not over 4 tons; 10% for trucks of capacity of not over 6 tons; and 5% for trucks of capacity of over 6 tons.

No person, firm, or corporation shall, as a condition of employment, or otherwise, require or knowingly permit the operation of any vehicle on the highway with a load greater than permitted by this statute.

Any penalty for the violation of this section may be imposed on either the operator or whoever requires, or knowingly permits, such operation, or may be imposed on both.

Sec. 28. Temporary number plates may be issued; secretary of state to be notified; cost of temporary number plates. 1935, c. 63. A manufacturer or dealer may, upon the sale or exchange of a motor vehicle, attach to such motor vehicle a set of temporary number plates, and the purchaser of such motor vehicle may operate the same for a period not to exceed 7 consecutive days thereafter without payment of a regular fee.

A manufacturer or dealer shall, upon attaching a set of temporary number plates to a motor vehicle sold or exchanged by him, mark thereon the date when said license expires and immediately notify the secretary of state of said sale or exchange, giving the name and address of the purchaser, the number of the temporary plate, and such further information as the secretary of state may require.

The secretary of state may issue temporary number plates to bona fide dealers who request them under such rules and regulations as he shall deem necessary; and shall receive for them 50c per pair.

Sec. 29. Motor vehicle plates to be manufactured at state prison. 1935, c. 142. The secretary of state or the duly designated official in charge of motor vehicle registration shall purchase and cause to be installed at the state prison the necessary equipment and materials for the production of all motor vehicle registration plates used in the state; and thereafter no such plates shall be purchased for state use except such as cannot be produced at the prison.

The warden of the state prison shall have charge of operations at the state prison relative to the manufacture of all plates made for the state. He may, with the consent of the secretary of state, employ for limited periods of time a supervisor for the purpose of instructing inmates in the operation of making such plates.

Sec. 30. Safety glass, required; definition; replacements; reports; penalty. 1937, c. 82. Except as hereinafter otherwise provided, it shall be unlawful to operate on any highway any motor vehicle which is registered in the state and which shall have been manufactured or assembled after December 31, 1937,



unless such motor vehicle be equipped with safety glass wherever glass is used in partitions, doors, windows, or windshields.

The term "safety glass" as used in this section shall be construed to mean any product composed of glass or of glass combined with other materials, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when broken. The secretary of state shall approve and maintain a list of the approved types of glass, as herein defined, and shall not register or reregister any motor vehicle manufactured or assembled after December 31, 1937, unless such motor vehicle be equipped as herein provided with such approved type of glass. The secretary of state may accept and approve any such type of glass which conforms to the requirements of the Bureau of Standards of the United States Department of Commerce.

All replacements of glass partitions, doors, windows, or windshields of any motor vehicle shall be made with "safety glass" as defined in this section.

The secretary of state shall require the owner of a motor vehicle to state in his application for registration the type of glass used in its partitions, doors, windows, and windshields; also to state whether the vehicle was manufactured or assembled after December 31, 1937. Upon the sale or transfer of ownership of a motor vehicle, as provided in sections 19 and 23, the notice to the secretary of state as therein required shall contain a statement as to the type of glass so used; also as to whether such vehicle was manufactured or assembled after December 31, 1937. Whoever shall make any material misstatement of fact upon an application for registration or notice required under the provisions of this section, shall be subject to the penalty provided in section 130.

See §§ 1, 21, 64, 65, 78.

**Sec. 31. Secretary of state to promulgate rules and regulations relative to lights and adjustment of brakes; sale and use of certain lighting devices forbidden.** R. S. c. 29, § 68. The secretary of state shall prepare rules and regulations from time to time governing the adjustment, use, and operation of lights on vehicles and governing the sufficiency and adjustment of brakes; and may from time to time alter, rescind, or add to any rules and regulations previously made.

No person shall equip his vehicle with, use, or sell any lens, reflector, or lighting device designed for use on vehicles on public ways contrary to the provisions of this chapter or contrary to the rules and regulations of the secretary of state.

See §§ 8, 112, 116; § 124, re police may examine equipment.

**Sec. 32. Adequate brakes; signalling device; unnecessary noise to be avoided; bell or siren forbidden, exception.** R. S. c. 29, § 80. 1931, c. 111. 1943, c. 150. Every motor vehicle shall be provided with adequate brakes in good working order and sufficient to control such vehicle at all times when the same is in use, and a suitable and adequate horn or other device for signalling. No signalling device shall be unnecessarily sounded so as to make a harsh, objectionable, or unreasonable noise, and no bell or siren shall be installed or used on any motor vehicle except that fire and police department vehicles and ambulances may be so equipped for use only when responding to emergency calls and such cars as may be designated by the chief of the state police to serve only as a signal to warn residents in rural sections of a blackout. All motor vehicles shall be equipped with a muffler of such construction and device as to prevent excessive noise. No person operating a motor vehicle shall at any time open the muffler cut-out, or permit the exhaust to make any unnecessary noise.

See § 115.

Sec. 33. Speed controller or governor not to be tampered with. R. S. c. 29, § 81. No equipment in the nature of a speed controller or governor attached to a motor vehicle shall be removed therefrom or tampered with so that such vehicle may be operated at a greater rate of speed than is allowed by such equipment; nor shall any vehicle whose equipment is so tampered with or removed be operated on any way or bridge.

Sec. 34. Motor vehicles to be equipped with lights conforming to rules of secretary of state; to be lighted during certain periods; specifications; fire trucks excepted. R. S. c. 29, § 82. 1935, cc. 129, 161. 1937, c. 13. 1941, c. 123. Every motor vehicle and tractor on wheels shall be equipped with lamps and lights as provided in this chapter, of sufficient power and so adjusted and operated as to enable its operator to proceed with safety to himself and to other users of the ways under all ordinary conditions of highway and weather. Said lamps and lights shall conform to and operate in accordance with the rules and regulations promulgated from time to time by the secretary of state, as provided in this chapter, and shall be lighted during the period from  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  hour before sunrise; except as provided in section 113.

Every motor vehicle and tractor on wheels, other than a motor-cycle, shall have mounted on the front thereof a pair of lamps, one on the right side and one on the left side, each of approximately equal candle-power; and every motor-cycle shall have mounted on the front thereof 1 lamp. If any such vehicle is so mechanically constructed, governed, or controlled that it cannot exceed a speed of 15 miles per hour, it shall have front lamps capable of furnishing light of sufficient candle-power to render any substantial object clearly discernible on a level way at least 50 feet directly ahead and at the same time at least 7 feet to the right of the axis of such vehicle for a distance of at least 25 feet. If said vehicles can exceed a speed of 15 miles per hour, then they shall have front lamps capable of furnishing light of sufficient candle-power to render any substantial object clearly discernible on a level way at least 200 feet directly ahead and at the same time at least 7 feet to the right of the axis of such vehicle for a distance of at least 100 feet; provided that no front lamp capable of furnishing more than 4 candle-power light shall be used if equipped with a reflector, unless so designed, equipped, or mounted that no portion of the beam of light when projected 75 feet or more ahead of the lamps shall rise above a plane of 42 inches higher than and parallel with the level surface on which the vehicle stands; and provided further, that, at no time, shall the top of any main beam of light be higher than the headlight centers; and provided further, that no electric bulb or other lighting device of a greater capacity than 32 candle-power shall be used, no matter how the same may be shaded, covered, or obscured, except the seal beam unit, so called, which is standard headlight equipment for motor vehicles. For the purpose of enforcing the provisions of this section, it shall be deemed to be a violation of its provisions if a front light or front lights of a motor vehicle projects the top of any main beam, at a distance of 25 feet ahead of the motor vehicle, on an approximately level stretch of highway, onto the body of a person or on a motor vehicle or any object, at a height greater than the distance of the centers of the front lights from the highway.

Every trailer, when operated at night shall carry at the front of its left side one lamp capable of throwing a white light visible from both sides of such vehicle; excepting, however, small 2-wheel trailers of 1,000 pounds capacity or less, towed closely behind a motor vehicle, whose overall length, including towing vehicle and load, does not exceed 30 feet.

Every such motor vehicle, tractor, and trailer shall have on the rear thereof, and to the left of the axis thereof, 1 lamp capable of displaying a red light visible for a distance of at least 100 feet behind such vehicle; provided that when a vehicle is used in conjunction with another vehicle or vehicles, only the last of such vehicles shall be required to carry such lamp. Every such motor vehicle, tractor, and trailer shall carry a lamp illuminating with white light the rear registration plate of such vehicle so that the characters thereon shall be visible for a distance of at least 50 feet.

All motor vehicles of 7 feet or over in width shall have thereon, in addition to the lights required by law for vehicles of less width, a green or amber light attached to the extreme left of the front of such vehicle, so attached and adjusted as to indicate the extreme left lateral extension of the vehicle or load which shall in all cases aforesaid be visible not less than 200 feet in the direction towards which the vehicle is proceeding or facing; provided, however, that any such vehicle having a closed body 8 feet or more in height shall display 2 such green or amber lights attached to the extreme left of the front of its body as above provided, one at the top and the other at the bottom of said body; and every such motor vehicle shall display at least 1 red light on the extreme left lateral extension of the vehicle or load on the rear of said vehicle; provided, however, that any such vehicle having a closed body 8 feet or more in height shall display a red light on the extreme upper left lateral extension of its body. Motor vehicles requiring a light hereunder may, in lieu of such light, be equipped with an adequate reflector conforming as to color and marginal location to the requirements for such light. Every motor vehicle and every trailer shall be equipped with at least 1 adequate reflector securely attached to the rear thereof. Such reflector may be a part of the rear lamp, and shall in all cases be red. No reflector shall be deemed adequate unless it is so designed, located, and maintained as to reflect at night on an unlighted highway, for at least 200 feet, the lawful undimmed headlights of a vehicle approaching from the rear thereof.

The provisions of this chapter governing the equipment or use of front lights on motor vehicles shall not apply to motor vehicles owned or controlled by municipalities or village corporations and used for fire fighting purposes.

131 Me. 4; 135 Me. 159; 138 Me. 215.

**Sec. 35. Inspection of motor vehicles, regulated; stickers.** 1939, c. 169, § 1. 1941, cc. 72, 205. Every person who is the owner or in control of a motor vehicle registered and operated upon the highways of the state shall submit such vehicles for semiannual inspection as provided for in this and the two following sections, to determine the proper adjustment and sufficiency of the following required equipment: brakes, lights, running gear, wheels, tires, horns, windshields, mechanical windshield wipers, rear view mirrors, reflectors, and mufflers.

Such inspection shall be made during the months of April and October of each year at an official inspection station, duly appointed and certified as such by the secretary of state. If, at the time of such inspection and before the said vehicle is again operated upon the highway, the condition of said vehicle conforms in each and every respect as required by law, an official sticker as a certificate of inspection furnished by said secretary shall be placed in the upper right-hand corner of the windshield or in the center of the windshield back of the rear mirror.

Each official inspection station shall stock a sufficient number of stickers to meet their demands through the entire inspection period. These shall be furnished by the office of the secretary of state at 5c each. Within 30 days after

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the close of each inspection period stickers on hand may be returned to the secretary of state, and the purchase price refunded.

Said inspection shall not apply to motor vehicles owned and registered in another state, provided proper proof is shown of an inspection of such motor vehicle within the period of 6 months prior thereto.

No dealer shall permit any motor vehicle owned or controlled by him to be released for operation upon the highways until it has been inspected as hereinbefore provided and bears the proper certificate.

The secretary of state or authorized agent may issue a permit to owners of motor vehicles which are not inspected to enable them to move such vehicle from garage or storage place to the nearest inspection station for the purpose of complying with this law.

It shall be unlawful for any person to operate upon the highway any motor vehicle which has not been inspected and which does not bear a certificate, as provided for in this section.

**Sec. 36. Certain garages may be licensed as official inspection stations.** 1939, c. 169, § 2. 1941, c. 205. Upon written application giving such description of the garage and its equipment as may be required by the secretary of state, the secretary may license such garage as an official inspection station located as to convenience the public for the purposes of carrying out the provisions of section 35. No application for a license to operate an official inspection station shall be considered unless the garage and equipment of the applicant shall comply with the provisions of law, to wit: a garage building to be used as an inspection station shall be at least 12 feet wide and 40 feet in length, and shall have a level floor and shall be equipped with a screen or chart for the purpose of testing lights, and with tools and machinery necessary to make repairs to motor vehicles. Before a license as an official inspection station is granted, the premises shall be examined by a member of the state police and the operator investigated as to his reliability and fitness for such appointment. Upon approval of an inspection station, the secretary of state shall issue a license and sign, for which he shall charge a fee of \$2.

**Sec. 37. Fee for licenses.** 1939, c. 169, § 3. The operator of any official inspection station shall conduct the inspection of motor vehicles presented to him for that purpose in accordance with the rules and regulations promulgated by the secretary of state, for which he shall receive a fee of 50c for each car inspected, this sum not to include labor or material used in correction of faults in equipment.

### Taxation of Motor Vehicles

**Sec. 38. Excise tax to be levied annually; exemptions.** R. S. c. 12, § 90. 1931, c. 103, § 1; cc. 215, 223; c. 225, § 1. 1933, c. 232. 1943, c. 231. An excise shall be levied annually as herein provided with respect to each calendar year for the privilege of operating upon the public ways, each motor vehicle to be so operated, subject to the provisions of section 44, as follows: a sum equal to 23 mills on each dollar of the maker's list price for the 1st or current year of model, 16½ mills for the 2nd year, 12½ mills for the 3rd year, 9 mills for the 4th year, 5½ mills for the 5th year, and 3 mills for the 6th and succeeding years; provided, however, that whenever an excise tax has been paid for the previous calendar year on the same motor vehicle the excise tax for the new calendar year shall be assessed as if the vehicle was in its next year of the model; provided, however, that persons registering under the provisions of section 54, the

state and political subdivisions thereof, bona fide dealers or manufacturers of motor vehicles, which motor vehicles are solely for the purpose of demonstration and sale and which constitute stock in trade, telephone and telegraph companies subject to the excise tax set forth in sections 120 to 126, inclusive, of chapter 14, express companies subject to the excise tax as set forth in sections 127 to 130, inclusive, of chapter 14, the vehicles of charitable, benevolent, literary, and scientific organizations which are used exclusively in carrying on charitable, benevolent, literary, or scientific work in this state, railroad companies subject to the excise tax set forth in sections 109 to 119, inclusive, of chapter 14, excepting however, motor busses used exclusively for the transportation of passengers for hire, shall not be subject to the excise herein provided; and provided further, that in all cases where the excise tax under the preceding provisions of this section amounts to less than \$2, a minimum tax of \$2 shall be levied; and provided further, that on and after the 7th year of a model, the maximum amount to be levied as an excise tax under the provisions of this section shall be \$10.

No motor vehicle shall be considered the property of a dealer or manufacturer and intended for demonstration and sale or to constitute stock in trade so as to be eligible for operation without the payment of the tax herein provided except such cars as are the actual property of the dealers, are stored regularly in the garage of the dealer and are not in use by any one individual regularly.

No motor truck or trailer having a rated carrying capacity of more than 1½ tons, travelling in this state only in interstate commerce, and owned in a state wherein an excise or property tax shall have been paid on said vehicle, and which grants to Maine owned trucks and trailers the exemption herein contained shall be subject to this excise.

**Sec. 39. Exempt from further taxation.** R. S. c. 12, § 91. Any automobile owner, who has paid the excise tax on his motor vehicle for the year to a city or town as provided for in this chapter, shall be exempt from further or other taxation on said motor vehicle for that year by said city or town.

**Sec. 40. Payment of tax must precede registration; exemptions from tax.** R. S. c. 12, § 92. 1931, c. 103, § 2. 1933, c. 230. 1937, c. 152. No motor vehicle owned or controlled by a resident of this state, excepting only motor vehicles owned and operated by charitable, benevolent, literary, or scientific organizations which are used exclusively in carrying on charitable, benevolent, literary, or scientific work in the state, shall be registered under the provisions of this chapter until the owner or person controlling the same has paid the excise tax herein provided for to the city or town wherein he resides. Provided further, that a non-resident person registering a motor vehicle in this state shall pay to the municipality of the state where he is occasionally or temporarily residing, or if there be no such residing place, then to the state the excise tax above provided; and that a foreign corporation registering a motor vehicle in this state shall pay to the municipality of the state where said motor vehicle is customarily kept, or if there be no such customary place of keeping, then to the state, the excise tax hereinbefore provided for. If such payment is made to the state, the secretary of state is authorized to receive the same and to give a receipt therefor.

**Sec. 41. Credit for tax may be transferred if motor vehicle is sold, stolen, burned, or totally destroyed.** R. S. c. 12, § 93. 1933, c. 176. 1935, c. 14. 1943, c. 39. Any owner who has paid said excise tax for a motor vehicle the ownership of which is transferred, or which is subsequently totally lost by fire, theft

or accident, in the same calendar year, shall be entitled to a credit to the amount of such tax towards an excise tax for another motor vehicle which may be required of him in the same calendar year, and if, since payment of the excise tax on the first vehicle the owner has by removal established a new place of residence, the said credit shall be allowed in the town in which the owner is now residing, said town to receive such additional tax as said owner may now be required to pay; provided, however, that only one such credit shall be allowed in any one calendar year. No portion of any excise tax once paid shall be repaid to any person; and from September 1st to December 31st such credit shall not exceed  $\frac{1}{2}$  of the amount of the original tax.

**Sec. 42. Receipts to be issued in duplicate.** R. S. c. 12, § 94. Receipts for the payment of this excise tax shall be in the form prescribed by the secretary of state. They shall be issued in duplicate, and 1 copy shall be delivered to the secretary of state, at the time application is made for registration of the motor vehicle, and filed with the application.

**Sec. 43. City or town collector of taxes to make collection.** R. S. c. 12, § 95. 1935, c. 5, § 2. 1937, c. 150. The collector of taxes of each city or town, or such other person as the city or town may designate, shall collect such excise tax and issue to each person paying it, the receipt therefor prescribed in section 42.

Said collector of taxes shall make his annual report to the municipal officers at the end of the municipal year, showing the total amount of excise tax collected by him and designate the amounts applying to each year.

**Sec. 44. From September 1st to December 31st to be  $\frac{1}{2}$  of sum named in § 38.** R. S. c. 12, § 96. 1933, c. 176. The excise tax under the provisions of chapter 14 during the period beginning with September 1st and ending with December 31st shall be  $\frac{1}{2}$  of the sum named in section 38, provided that the minimum to be paid under the provisions of this section shall never be less than \$2.

**Sec. 45. Money raised to be accounted for by city and town officials; how apportioned.** R. S. c. 12, § 97. 1931, c. 76. Each designated city official and treasurer of each town shall keep an account of the money received by him for said excise taxes, and deposit the same in the city or town treasury monthly. Failure so to deposit shall be cause for immediate removal from office. All moneys collected in accordance with the provisions of sections 38 to 47, inclusive, shall be apportioned between such town, city, and any village corporation, sewer district, fire district, or other public municipal corporation, in the same manner as the moneys now collected for taxes assessed on property located within such town or city. In case the manner of apportionment between any public municipal corporations has not been otherwise determined, it shall be made by the assessors of such city or town for any year and the assessors of the other public municipal corporation concerned in such apportionment for that year.

**Sec. 46. Collector in adjacent town or city to make collection in unincorporated places.** R. S. c. 12, § 98. 1939, c. 79. The collector of taxes of any adjacent town or the city treasurer of any adjacent city shall receive the excise tax and issue the receipt prescribed therefor under the provisions of section 42 to persons residing in unorganized places in any county. The collector shall be allowed a fee of 15c for each tax receipt issued, and the remainder shall be remitted monthly to the county treasurer to be added to the road repair tax fund for the unorganized township in which the taxpayer resides.

Sec. 47. Fine for false statements to any person receiving tax. R. S. c. 12, § 99. Any person wilfully making any false statement to any person charged with the duty of receiving this tax and issuing the receipt therefor, when making statement for the purpose of the levy of said tax hereunder, shall be punished by a fine of not more than \$25.

### Operators' Licenses

Sec. 48. Applications for operators' licenses, termination of; licensee may operate any registered vehicle unless specifically limited. R. S. c. 29, §§ 33, 65, 1937, c. 46. 1939, c. 38. 1943, c. 103. Applications to operate motor vehicles shall be presented by mail or otherwise to the secretary of state upon blanks prepared under his authority, and which shall therein call for specific answers to questions of a character designed to show the experience and competency of the applicant to operate a motor vehicle; a fee of \$2 shall accompany the application. Before the license is granted, an applicant shall be required to pass such physical examination and such examination by actual demonstration or otherwise as to his qualifications to operate a motor vehicle as the said secretary shall require; provided said secretary may waive such examination in the case of applicants who have been duly licensed by this state to operate a motor vehicle during any one of the 3 preceding calendar years; and no license shall be issued until the said secretary is satisfied that the applicant is a proper person to receive it. No license shall be issued to any person under 15 years of age. Any person required to take an examination to qualify him to operate a motor vehicle shall pay a fee of \$1 to the secretary of state which fee shall be paid before the examination is given and shall be applied by him for defraying the expense of giving such examination; except that any person required to take such examination because of advanced age or physical disability shall not be required to pay said examination fee of \$1. A record of all applications for license and of all licenses issued shall be kept by the said secretary. Each license shall state the name, age, place of residence of the licensee, and the distinguishing numbers or marks assigned to him and may contain a brief description of the licensee for the purpose of identification and such other information as the said secretary shall deem necessary. A person to whom a license to operate a motor vehicle has been issued, unless such license contains a special limitation or restriction, may operate any registered motor vehicle. Every licensee shall indorse his usual signature upon the margin of the license before using it, and no license shall be valid until so indorsed.

No person shall operate any motor vehicle on or after the 1st day of January of any year unless then duly licensed to operate such vehicle for such year.

Note: See 1943, c. 157, re operators' licenses for any person serving in the armed forces of the United States. This paragraph shall remain in force for the duration of the war and 6 months thereafter. 131 Me. 262; 138 Me. 137.

Sec. 49. Operators' licenses issued, only when poll-tax has been paid. 1935, c. 139. 1939, c. 191, § 1. No person required by law to pay a poll-tax in this state shall be granted a license to operate a motor vehicle until he shall present a receipt or certificate that he has paid his poll-tax in the town where he resided for the year preceding that for which the license is applied for or written evidence from the taxing authority of that town that he was legally exempted therefrom or that the tax has been abated.

Sec. 50. Operator's license granted to minors under 18; conditions. R. S. c. 29, § 34. The secretary of state shall not grant the application of any minor

under the age of 18 years for an operator's license unless such application is signed by the father of the applicant, if the father is living, and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of 18 years has no father, mother, or guardian, then an operator's license shall not be granted to the minor unless his application therefor is signed by his employer.

See § 127, re damages caused by minor.

**Sec. 51. Duplicate license may be issued on proof of loss of original and payment of fee.** R. S. c. 29, § 37. 1933, c. 277. 1941, c. 120. In the event that an operator's license or registration card issued under the provisions of this chapter shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the secretary of state that such license or card has been lost or destroyed and upon payment of a fee of 25c.

**Sec. 52. Special license for operation of motor-cycle.** R. S. c. 29, § 38. The secretary of state shall also prepare suitable blanks for applicants for a license to operate motor-cycles and he shall issue licenses to competent persons to operate motor-cycles, subject to the same general requirements with respect to a license to operate a motor vehicle.

A license to operate a motor vehicle shall not authorize the licensee to operate a motor-cycle, unless the license shall so specify; but licensees to operate a motor vehicle may on application be granted a license to operate a motor-cycle without paying an additional fee.

**Sec. 53. Unlicensed persons not to operate motor vehicles; exception.** R. S. c. 29, § 39. No person shall operate a motor vehicle upon any way in this state unless licensed according to the provisions of this chapter; but the provisions of this section shall not prevent the operation of a motor vehicle by an unlicensed person, not less than 15 years of age, if riding beside a licensed operator in said vehicle for the purpose of becoming familiar with the use and handling of a motor vehicle preparatory to taking out license for driving; and provided further, that such unlicensed person has not theretofore had a license revoked, suspended, or finally refused.

115 Me. 134; 120 Me. 142; 131 Me. 262; 138 Me. 137.

### Non-resident Privileges and Restrictions

**Sec. 54. Non-resident cars and operators licensed in home state may operate; exceptions; non-resident trucks of over 1 ton to be registered.** R. S. c. 29, § 40. 1933, c. 233, § 1. 1939, cc. 151, 159.

**I.** (1933, c. 233, § 1) (1939, c. 159) The provisions of this chapter relative to the registration of motor vehicles, tractors, and trailers, and the granting of operators' licenses shall not apply to a motor vehicle, tractor, or trailer owned by a non-resident, other than a foreign corporation doing business in this state, or to a non-resident operator other than the operator of any such vehicle belonging to a foreign corporation doing business in this state, provided that the owner of such vehicle has complied with the provisions of law of the state or country of his residence relative to the registration of such vehicle and provided said operator has complied with the provisions of law of the state or country of his residence relative to operators' licenses. The provisions of this subsection shall apply to a motor vehicle owned by a non-resident, who has complied with the provisions of law of such state or country of his residence only to the extent



that like privileges are granted by such state or country to a motor vehicle owned by a resident of this state who shall have complied with the laws of this state relative to registration of such vehicles. Nothing in this chapter shall be construed to permit a non-resident vehicle, having a weight in excess of or equipped contrary to that allowed a similar resident vehicle, to be operated on the ways of this state.

II. (1939, c. 151) No vehicle owned or operated by a non-resident shall be operated on the public ways of this state as a vehicle engaged in the business of livery or for hire, or as a jitney, within this state, and no motor truck or trailer owned or operated by a non-resident, shall be operated on the highways of this state, except and until it has been registered under the laws of this state and made to comply with the by-laws and ordinances of municipalities wherein it is operated, in the same manner as may be required of like vehicles owned, operated, and registered in this state. Provided, however, that any truck or trailer having a rated carrying capacity of  $1\frac{1}{2}$  tons or less, and any truck owned by a person whose principal occupation is farming, while operated by him or his agents in carrying farm produce raised by him to market, which is duly registered according to the laws of another state or country which grants like privileges to such trucks and trailers registered in this state, and to the operators thereof, shall not be required to be registered in this state.

III. The secretary of state may issue to public utilities operating in this state for a nominal fee, a special permit for vehicles engaged in emergency repair work in this state provided such vehicles are registered in some other state and have attached thereto registration plates and are driven by persons licensed to operate in this or some other state.

Sec. 55. Exemption from registration fees of certain vehicles owned by non-residents. R. S. c. 29, § 41. 1933, c. 233, § 2. 1937, c. 54. 1939, cc. 186, 254. The following vehicles, owned and operated by non-residents, which would be otherwise required by this chapter to pay a registration fee, shall, if duly registered in the state of their ownership, be exempt from registration in this state for a period of 30 days while operated in this state under the conditions and limitations hereinafter provided:

I. Any motor truck, tractor, or trailer brought into the state and used exclusively herein for display purposes in agricultural or industrial fairs, or in motor vehicle exhibitions. Provided, however, that the state or country under which said vehicle, or tractor, is registered grants like privileges to like vehicles, or tractors, registered in this state, and to operators thereof.

II. Any apparatus and trucks conveying apparatus brought into the state and while used herein exclusively for exhibition or demonstration at firemen's musters.

III. (1933, c. 233, § 2) (1937, c. 54) (1939, c. 186) Any passenger bus bringing into the state an organized group or party for whose exclusive use such bus has been chartered and is so used, and which is chartered for use as a continuous means of conveyance for such group of persons while traveling in the state and for no other purpose, provided a permit for such operation be issued by the secretary of state. Upon filing proof of insurance in accordance with the provisions of section 16, together with an application signed by the owner or operator of such bus and by the party or a representative of the group chartering such bus and stating the period of time for which such permit is desired, a description of the bus, the name of the chauffeur who is to operate

the same, a description of the contemplated trip, and other information as may be required by the secretary of state, a permit for such operation may be issued.

**IV. (1939, c. 254)** Any motor truck, tractor, semi-trailer, or trailer, constructed or equipped primarily as a refrigerator vehicle, when owned and operated by non-residents of this state who are citizens of the United States, which would be otherwise required by the law of this state to pay a registration fee, shall if duly registered in the state of its ownership be exempt from registration in this state while operated in this state exclusively for the transportation of any varieties of fish requiring refrigerator service from the state of Maine. Provided further, that trucks exempted under the provisions of this subsection from registration in Maine shall not transport anything into this state for hire, and provided further, that each such truck on entering the state shall obtain a permit from the nearest state police barracks, which said permit shall be issued by the secretary of state in blank, the name of the permittee to be filled in by the state police. A fee of \$5 shall be paid for each permit by the shipper or driver which shall be good for 1 trip only. The state police shall keep a record of each such permit.

Nothing in this section shall be construed to authorize the operation of any vehicle herein described in any manner contrary to the provisions of this chapter relating to the operation of other similar vehicles upon ways and bridges of this state, except as herein modified. Whoever violates or fails to comply with the provisions of this section shall be subject to the penalty provided by section 135, and any vehicle used in violation hereof shall be subject to the fees provided for registration of like vehicles which are not exempted from the provisions of this section.

**Sec. 56. Non-resident's right to operate motor vehicle or have same operated may be revoked or suspended by secretary of state; in case non-resident's license has been revoked by state of issue, right to operate in this state may be suspended or revoked. R. S. c. 29, § 45.** The secretary of state may suspend or revoke the right of any non-resident operator to operate in this state and may suspend or revoke the license or right of any non-resident owner to operate or have operated in this state any vehicle for the same causes and under the same conditions and in the same manner that he could take such action regarding any resident owner or operator, or vehicle owned in this state; and thereupon the right of such non-resident owner or operator to operate or have operated any such vehicle in this state shall terminate, and he shall be subject to the same penalties as any resident owner or operator who operates without license or registration.

Whenever the secretary of state is notified by the licensing or registration department of another state or country that any licensee or registrant resident therein has had his license or registration suspended, revoked, or annulled, the secretary of state may forthwith suspend, revoke, or terminate any right, license, or registration granted to such person in this state.

131 Me. 262.

**Sec. 57. Zone privileges. 1935, c. 180. 1937, c. 239.** A non-resident owner of a motor truck who has complied with the laws of his state, province, or foreign country relating to registration and licensing of motor vehicles and who has a bona fide actual residence in a state, province, or foreign country granting like privileges to residents of this state, which residence is located within 15 miles by highway of the border line of this state, may operate such vehicle upon any ways of this state distant not more than 15 miles from the border line of his state, province, or country, if application for the registration thereof is made

in accordance with the provisions of section 13 and a zone fee of \$2 is paid and the vehicle is registered by the secretary of state.

Provided, however, that this privilege shall not be granted to motor trucks of a rated carrying capacity of more than 3 tons; and provided further, that motor trucks having a rated carrying capacity of 3 tons or less which are duly registered according to the laws of another state or country which grants like privileges to such trucks registered in this state, and to the operators thereof, shall not be required to be registered in this state when operating within the 15 mile zone limit herein provided.

**Sec. 58. Zone privilege number plates.** 1935, c. 180. The secretary of state shall furnish at his office, without charge, to every person whose motor truck is registered as provided in the preceding section a number plate of suitable design, and oval in shape, to have displayed upon it the register number assigned to such vehicle, the word "Maine" or the abbreviation "Me." and figures showing the year of the issue; the register number to be in figures not less than 3 inches in height, and the letters and figures designating the state and year not less than 1 inch in height. Such number plate shall at all times be conspicuously displayed on the front of such motor truck.

#### Service of Process on Non-residents Involved in Automobile Accidents

**Sec. 59. Non-resident operating motor vehicle in this state to appoint secretary of state as attorney for service of process; how service is to be made.** R. S. c. 29, § 130. The acceptance by a person who is a resident of any other state or country of the rights and privileges conferred by this chapter as evidenced by the operation, by himself or agent, of a motor vehicle thereunder, or the operation by such a person, by himself or his agent, of a motor vehicle on a public way in this state otherwise than under the provisions of said chapter, shall be deemed equivalent to an appointment by him of the secretary of state, or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against him, growing out of any accident or collision in which such person or his agent may be involved, while operating a motor vehicle on such a way, and said acceptance or operation shall be a signification of his agreement that any such process against him which is so served shall be of the same legal force and validity as if served on him personally. Service of such process shall be made by leaving a copy thereof with a fee of \$2 in the hands of the secretary of state, or in his office, and such service shall be sufficient service upon such non-resident; provided that notice of such service and a copy of the process are forthwith sent by registered mail by the plaintiff to the defendant, and the defendant's return receipt, and the plaintiff's affidavit of compliance herewith, are appended to the writ and are filed with the clerk of courts in which the action is pending, or that such notice and copy are served upon the defendant, if found within the state, by an officer duly qualified to serve legal process, or, if found without the state, by any duly constituted public officer qualified to serve like process in the state or jurisdiction where the defendant is found, and the officer's return showing such service to have been made is filed in the case on or before the return day of the process or within such further time as the court may allow. The court in which the action is pending may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend the action.

**Sec. 60. Plaintiff in the action prescribed in § 59, to give bond.** R. S. c. 29, § 131. The plaintiff in an action brought as prescribed in the preceding section shall file with his writ in the court to which such action is returnable, a bond to the defendant with two or more sureties to be approved by the judge or clerk of said court, or with a surety company authorized to do business in this state, as surety in the sum of \$100 conditioned that in the event judgment is rendered against such plaintiff so much of the penalty of said bond as may be required to satisfy any judgment for costs awarded against him shall be applied thereto, and the attorney for the plaintiff in such action against a non-resident defendant shall be liable to the defendant for his costs in the action to an amount not exceeding \$50 unless and until such bond shall be filed as aforesaid.

**Sec. 61. If plaintiff prevails, fee paid by him to secretary to be taxed in costs; secretary to keep record of such processes.** R. S. c. 29, § 132. The fee of \$2, paid by the plaintiff to the secretary of state at the time of the service as required by section 59, shall be taxed in his costs, if he prevails in the suit. The said secretary shall keep a record of such processes, which shall show the day and hour of service.

**Sec. 62. Officers authorized to serve civil process to serve on secretary of state.** R. S. c. 29, § 133. Officers authorized to serve civil processes by statutes of this state are authorized and empowered to serve all processes and notices on the secretary of state required under the provisions of section 59.

**Sec. 63. Notice of revocation or suspension of right of non-residents to operate or have operated motor vehicle to be sent to motor vehicle department of state from which it was issued.** R. S. c. 29, § 43. Notice of the revocation or suspension of the right of a non-resident owner or operator of a vehicle to operate or to have operated said vehicle in this state shall forthwith be sent by the secretary of state to the motor vehicle department of the state or country which issued his license or registration.

#### Financial Responsibility Law

**Sec. 64. Definitions.** R. S. c. 29, § 98. 1941, c. 255.

**I. Terms defined.** As used in sections 64 to 71, inclusive, the following words shall have the following meanings:

- A. "Secretary" shall mean the secretary of state or any of his deputies.
- B. "Person," every person, firm, copartnership, association, or corporation, but not the state or any political subdivision thereof.
- C. "Owner," a person who holds the legal title to a motor vehicle, trailer, or semi-trailer, or in the event a motor vehicle, trailer, or semi-trailer is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a motor vehicle, trailer, or semi-trailer is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of sections 64 to 71, inclusive.
- D. "State," any state of the United States, the District of Columbia, or any province of the Dominion of Canada.
- E. "Judgment," any judgment which shall have become final by expiration without appeal of the time within which appeal might have been perfected, or by final affirmance on appeal, rendered by a court of competent jurisdiction of any state, or of the United States.

F. "Certificate," the certificate of an insurance company authorized to transact the business specified in chapter 56, that it has issued to or for the benefit of any person a motor vehicle liability policy covering the motor vehicle, trailer, or semi-trailer involved in the accident as a result of which the action at law to recover damages referred to in subsection II of section 66 was commenced as respects such accident; or the certificate of a surety company authorized to transact business under the provisions of chapter 56 that it has issued to or for the benefit of any person a motor vehicle liability bond covering the motor vehicle, trailer, or semi-trailer involved in the accident as a result of which the action at law to recover damages referred to in subsection II of section 66 was commenced as respects such accident.

G. "Motor Vehicle Liability Policy," a policy of liability insurance which provides indemnity for or protection to the insured and any person responsible to him for the operation of the insured's motor vehicle, trailer, or semi-trailer who has obtained possession or control thereof with his express or implied consent, against loss by reason of the liability to pay damages to others for damage to property, except property of others in charge of the insured or his employees, or bodily injuries, including death at any time resulting therefrom, accidentally sustained during the term of said policy by any person other than the insured; or employees of the insured actually operating the motor vehicle or of such other person responsible as aforesaid who are entitled to payments or benefits under the provisions of any workmen's compensation act, arising out of the ownership, operation, maintenance, control, or use within the limits of the United States of America or the Dominion of Canada of such motor vehicle, trailer, or semi-trailer, to the amount or limit of at least \$5,000 on account of injury to or death of any one person, and subject to such limits as respects injury to or death of 1 person, of at least \$10,000 on account of any one accident resulting in injury to or death of more than 1 person, and of at least \$1,000 for damage to property of others, as herein provided, or a binder pending the issue of such a policy, or an indorsement to an existing policy, as defined in subsections I, II, and IV of section 69.

H. "Motor Vehicle Liability Bond," a bond conforming to the provisions of subsection III of section 69 and conditioned that the obligor shall within 30 days after the rendition thereof satisfy all judgments rendered against him or against any person responsible to him for the operation of the obligor's motor vehicle, trailer, or semi-trailer who has obtained possession or control thereof with his express or implied consent, in actions to recover damages for damage to property of others or bodily injuries, including death at any time resulting therefrom, accidentally sustained during the term of said bond by any person other than the insured employees of the obligor actually operating the motor vehicle or of such other person responsible as aforesaid who are entitled to payments or benefits under the provisions of any workmen's compensation act, arising out of the ownership, operation, maintenance, control, or use within the limits of the United States of America or the Dominion of Canada of such motor vehicle, trailer, or semi-trailer, to the amount or limit of at least \$1,000 on account of damage to property and at least \$5,000 on account of injury to or death of any one person, and subject to such limits as respects injury to or death of one person, at least \$10,000 on account of any one accident resulting in injury to or death of more than one person.

**II. Secretary to administer §§ 64 to 71; court review.** The secretary shall administer and enforce the provisions of sections 64 to 71, inclusive, and he is authorized to adopt and enforce such regulations as may be necessary for their administration. Any person aggrieved by an order or act of the secretary under the provisions of said sections may, within 10 days after notice thereof, file a petition for a review thereof in the superior court of the county in which one of the parties resides, and if both plaintiff and defendant are non-residents, then in the county where the accident occurred; but the filing of such petition shall not suspend the order or act unless a stay thereof shall be allowed by a judge of said court pending final determination of the review. The court shall summarily hear the petition and may make any appropriate order or decree.

See §§ 1, 21, 30, 65, 78.

**Sec. 65. Proof required upon conviction for motor vehicle law violations.** R. S. c. 29, §§ 91, 97. 1941, c. 255.

**I. Suspension of licenses.** Upon receipt of an abstract of the record in case of conviction of any person for a violation of such of the provisions of any state law relative to motor vehicles as the secretary shall determine, the secretary may forthwith suspend the license of the person so convicted and the registration certificates and registration plates issued for any motor vehicle, trailer, or semi-trailer registered in the name of such person unless and until such person gives and thereafter maintains for a period of 3 years proof of his financial responsibility. The secretary shall take action as required in this section upon receiving proper evidence of any such conviction of any person in another state.

**II. Definition of term "conviction".** For purposes of sections 64 to 71, inclusive, the term "conviction" shall include a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, upon a charge of violating any motor vehicle law.

See §§ 1, 21, 30, 64, 78.

**Sec. 66. Reports.** R. S. c. 29, §§ 92, 95, 96. 1941, c. 255. 1943, cc. 204, 341.

**I. Duty of chief of state police.** Immediately after receipt of any accident report required by section 6 of chapter 13, the chief of the state police shall forward said report to the secretary.

**II. Security and proof of financial responsibility required following accident.**

**A.** Upon receipt by the secretary of the report of an accident which has resulted in death, the secretary shall forthwith suspend the license of any person operating, and the registration certificates and registration plates if said person be the owner of the motor vehicle, trailer, or semi-trailer involved in such accident, unless and until such operator shall have previously furnished or immediately furnishes sufficient security and thereafter maintains proof of financial responsibility in the future, as specified in the following paragraph.

**B.** Upon receipt by him of the report of an accident other than as provided for in paragraphs A and C of this subsection, which has resulted in bodily injury, or property damage to an apparent extent of \$50 or more, the secretary shall, 10 days following the date of said accident, suspend the license or revoke the right to operate of any person operating, and the registration certificates and registration plates of any person owning a motor vehicle, trailer, or semi-trailer, in any manner involved in such accident, unless such operator or owner or both:

1. shall have secured a written release, duly authenticated, from the other party or parties involved in such accident, or shall have previously furnished or immediately furnishes sufficient security to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such owner or operator by or on behalf of the aggrieved person or his legal representative, and

2. shall immediately give and thereafter maintain proof of financial responsibility in the future.

C. Upon receipt by him of the report that a person, while operating a motor vehicle, trailer, or semi-trailer, had no license to operate, and was in any manner involved in an accident resulting in death, bodily injury, or in damage to property in any amount, the secretary shall forthwith enter an order prohibiting the issuance of an operator's license to said person, or the issuance of any registration certificate and registration plates to any motor vehicle, trailer, or semi-trailer owned or controlled by said person, unless and until said person shall furnish sufficient security and thereafter maintain proof of financial responsibility in the future as hereinbefore provided.

**III. Form of security.** Such security, when ordered, shall be in such form and in such amount as the secretary may require, but in no case in excess of the amount of proof required under the provisions of sections 64 to 71, inclusive. Proof of responsibility as prescribed in subsection I of section 70 shall in all cases be deemed sufficient security hereunder.

**IV. Application of security.** Security furnished in compliance with the requirements hereof shall be applicable only to the payment of a judgment against the depositor for damages arising out of the accident in question in an action at law in a court of this state begun not later than 1 year after the date of such accident; and such deposit, or any balance thereof, shall be returned to the depositor or his personal representative whenever, after the expiration of such year, the secretary shall be given reasonable evidence to believe that there is no such action pending and no such judgment unsatisfied.

**V. Limitation.** The provisions of subsection II of this section shall not apply:

A. To the owner of a motor vehicle, trailer, or semi-trailer operated by one having obtained possession or control thereof without his express or implied consent;

B. (1943, c. 204) To either the owner or licensed operator of a motor vehicle, trailer, or semi-trailer involved in an accident when the secretary shall be satisfied that neither such owner or operator caused the accident;

C. To either the owner or operator of a motor vehicle, trailer, or semi-trailer involved in an accident that was caused by the criminal act of a third party, for which criminal act such third party has been convicted;

D. To either the owner or operator of a motor vehicle, trailer, or semi-trailer involved in an accident where no damage or injury was caused to other than the person or property of such owner or operator, unless at the time of said accident such owner or operator was violating some provision of the state laws relative to motor vehicles.

E. (1943, c. 341) To any person involved in an accident while operating a motor vehicle licensed by the public utilities commission of this state, or while operating a motor vehicle, trailer, or semi-trailer covered by a motor vehicle liability policy, so long as the owner of the motor vehicle so operated by such operator shall maintain proof of financial responsibility in

the future as provided in section 70. The secretary of state may issue a restricted license to operate a motor vehicle to such operator.

**VI. Suspension; duration.** The suspension required in subsection II of this section shall remain in effect, the motor vehicle, trailer, or semi-trailer in any manner involved in such accident shall not be registered in the name of the person whose license or registration was so suspended, and no other motor vehicle, trailer, or semi-trailer shall be registered in the name of such person nor any new licenses issued to such person unless and until he has obtained a release or a judgment in his favor in an action at law to recover damages for damage to property or the death of or bodily injury to any person resulting from such accident or unless he shall have satisfied in the manner hereinafter provided any judgment rendered against him in such an action, and at all events gives and thereafter maintains proof of his financial responsibility. If the aggrieved or injured person or his legal representative shall not have brought suit within 1 year from the date of the accident then the secretary, upon receiving reasonable evidence of the fact, may, subject to the other requirements of the law, issue to such person a new license to operate and new registration certificates and registration plates provided he shall give and thereafter maintain proof of financial responsibility. A discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of sections 64 to 71, inclusive.

**Sec. 67. Payments sufficient to satisfy requirements.** 1941, c. 255. Every judgment herein referred to shall, for the purposes of sections 64 to 71, inclusive, be deemed satisfied:

**I.** When \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of 1 person as the result of any one accident; or

**II.** When, subject to such limit of \$5,000 because of bodily injury to or death of 1 person, the sum of \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

**III.** When \$1,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess of said amounts only for the purposes of sections 64 to 71, inclusive.

Payments made in settlement of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

**Sec. 68. Action against non-resident.** 1939, c. 15. 1941, c. 255. All of the provisions of sections 64 to 71, inclusive, shall apply to any person who is not a resident of this state, and if such non-resident has failed to furnish security or to give proof of his financial responsibility in the future as required hereunder, then and in such event such non-resident shall not operate any motor vehicle, trailer, or semi-trailer in this state nor shall any motor vehicle, trailer, or semi-trailer owned by him be operated within this state by any person, and the secretary shall not issue to such non-resident any operator's license or register any motor vehicle, trailer, or semi-trailer owned by such non-resident in the same manner as required with respect to a resident of this state. The operation by a



non-resident, or with his express or implied consent if an owner, of a motor vehicle, trailer, or semi-trailer on a public way of the state shall be deemed equivalent to an appointment by such non-resident of the secretary or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action against him, growing out of any accident in which said non-resident may be involved while so operating or so permitting to be operated a motor vehicle on such a way.

**Sec. 69. Bonds. R. S. c. 29, §§ 92, 93. 1941, c. 255.**

**I. Policy form; liability, bond.** No motor vehicle liability policy, as defined in section 64, shall be issued or delivered in the state until a copy of the form of the policy has been on file with the insurance commissioner for at least 30 days, unless, before the expiration of said period, said insurance commissioner shall have approved the form of the policy in writing, nor if said insurance commissioner notifies the company in writing that, in his opinion, the form of said policy does not comply with the laws of the state, provided that he shall notify the company in writing within said period of his approval or disapproval thereof. Said insurance commissioner shall approve a form of policy which contains the name, address, and business of the insured, a description of the motor vehicles and trailers or semi-trailers covered, with the premium charges therefor, the policy period, the limits of liability, and an agreement that insurance is provided in accordance with and subject to the provisions of sections 64 to 71, inclusive.

**II. Required provisions.** A motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

A. The liability of any company under a motor vehicle liability policy shall become absolute whenever loss or damage covered by said policy occurs, and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or duty of the company to make payment on account of said loss or damage. No such contract of insurance shall be canceled or annulled by any agreement between the company and the insured after the said insured has become responsible for such loss or damage, and any such cancellation or annulment shall be void. Upon the recovery of a final judgment against any person for any loss or damage specified in this section, if the judgment debtor was, at the accrual of the cause of action, insured against liability therefor under a motor vehicle liability policy, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment.

B. The policy, the written application therefor, if any, and any rider or endorsement, which shall not conflict with the provisions of sections 64 to 71, inclusive, shall constitute the entire contract between the parties.

C. No statement made by the insured or on his behalf, and no violation of the terms of the policy, shall operate to defeat or avoid the policy so as to bar recovery within the limit provided in the policy.

D. If the death, insolvency, or bankruptcy of the insured shall occur within the policy period, the policy during the unexpired portion of such period shall cover the legal representatives of the insured. Such policy shall contain such provisions, as are not inconsistent with the provisions of sections 64 to 71, inclusive, as shall be required by the insurance commissioner.

E. Damages shall not be assessed except by special order of the court in an action of tort, payment of the judgment wherein is secured by a motor vehicle liability policy or a motor vehicle liability bond, as defined in section 64, and wherein the defendant has been defaulted for failure to enter an appearance until the expiration of 30 days after the plaintiff has given notice of such default to the company issuing or executing such policy or bond and has filed an affidavit thereof. Such notice may be given by mailing the same, postage prepaid, to the said company or to its agent who issued or executed such policy or bond. Upon receipt of information and having become satisfied that the insured has failed to comply with the terms of his policy in regard to notice to the company of an accident, the secretary shall revoke his license and registration for such period as the secretary shall determine.

III. **Liability bonds.** The provisions of subsections I and II of this section, except paragraphs A, B, and C of subsection II, shall apply to motor vehicle liability bonds, as defined in section 64, and every such bond shall be subject to, although it need not be contained therein, the provision that no statement made by the principal on such bond or on his behalf, and no violation of the terms of such bond, shall operate to defeat or avoid such bond as against the judgment creditor of such principal.

IV. **Prohibition.** No motor vehicle liability policy other than that defined in section 64 shall be issued or delivered in this state by any authorized insurance company, except that such an authorized insurance company may issue and deliver what is known as a standard automobile liability policy by having attached thereto an indorsement meeting the requirements of sections 64 to 71, inclusive, such indorsement to be in such form as the insurance commissioner shall prescribe and to be known as the Maine statutory motor vehicle liability policy indorsement. The insurance commissioner shall approve only such policy, indorsements, and binders as shall meet the requirements of sections 64 to 71, inclusive.

Sec. 70. **Proof of financial responsibility.** R. S. c. 29, § 93. 1939, c. 15. 1941, c. 255.

I. **Amount of proof required.** Proof of financial responsibility shall mean proof of ability to respond in damages for any liability thereafter incurred, arising out of the ownership, maintenance, control, or use of a motor vehicle, trailer, or semi-trailer in the amount of \$5,000 because of bodily injury or death to any one person, and subject to said limit respecting 1 person, in the amount of \$10,000 because of bodily injury to or death to two or more persons in any one accident, and in the amount of \$1,000 because of injury to and destruction of property in any one accident. Whenever required under the provisions of sections 64 to 71, inclusive, such proof in such amounts shall be furnished for each motor vehicle, trailer, or semi-trailer registered by such person.

II. **Methods of giving proof.** Proof of financial responsibility when required under the provisions of sections 64 to 71, inclusive, may be given by either of the following methods:

A. By filing with the secretary a certificate, as defined in section 64, of an insurance company or of a surety company; or

B. By the deposit of money or securities as provided in subsection III of this section; or

C. By satisfying the secretary that any corporation has financial ability to comply with the requirements of sections 64 to 71, inclusive.

III. **Money or securities deposited as proof.** A person may give proof of financial responsibility by delivering to the secretary a receipt of the treasurer of state showing the deposit with said treasurer of money in an amount, or securities approved by said treasurer and of a market value in a total amount, as would be required for coverage in a motor vehicle liability policy furnished by the person giving such proof under the provisions of sections 64 to 71, inclusive. Such securities shall be of a type which may legally be purchased by savings banks or for trust funds. All money or securities so deposited shall be subject to execution to satisfy any judgment mentioned in said sections but shall not otherwise be subject to attachment or execution.

IV. **Limitation.** The treasurer of state shall not accept any such deposit or issue a certificate therefor, and the secretary shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the clerk of the superior court for the county where the depositor resides.

V. **May substitute other proof.** The secretary shall cancel any bond or return any certificate of insurance, or the secretary shall direct and the treasurer of state shall return any money or securities, to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to the provisions of sections 64 to 71, inclusive.

VI. **Operating without giving proof.** (1939, c. 15) Any person whose operator's license or registration certificates or other privilege to operate a motor vehicle, trailer, or semi-trailer has been suspended or revoked, restoration thereof or the issuance of a new license or registration being contingent upon the furnishing of security of proof of financial responsibility, and who during such suspension or revocation or in the absence of full authorization from the secretary shall drive any motor vehicle, trailer, or semi-trailer upon any highway or knowingly permits any motor vehicle, trailer, or semi-trailer owned by such person to be operated by another upon any highway, except as permitted under the provisions of sections 64 to 71, inclusive, shall be punished by imprisonment for not more than 6 months, or by a fine of not more than \$500, or by both such fine and imprisonment.

**Sec. 71. Limitation and saving clauses. 1941, c. 255.**

I. **Limitation.** The provisions of sections 64 to 71, inclusive, shall not be construed to prevent the plaintiff in any action at law from relying upon the other processes provided by law.

II. **Saving clause.** Nothing in sections 64 to 71, inclusive, shall affect any right or remedy accrued or liability to penalty incurred before July 26, 1941 under the provisions of sections 91 to 98, inclusive, of chapter 29 of the revised statutes of 1930, and amendments thereto.

**Law of the Road**

**Sec. 72. Teams approaching to meet shall turn to right; shall stop a reasonable length of time at some convenient passing place if requested. R. S. c. 29, § 2.** When persons traveling with a team are approaching to meet on a way, they shall seasonably turn to the right of the middle of the traveled part of it, so that they can pass each other without interference. When it is unsafe, or difficult on account of weight of load to do so, a person about to be met or

overtaken, if requested, shall stop a reasonable time, at a convenient place, to enable the other to pass.

\*11 Me. 339; 25 Me. 46; 66 Me. 376; 71 Me. 347; \*98 Me. 73; \*118 Me. 42, 74;  
\*124 Me. 240; 125 Me. 399; 128 Me. 346; 131 Me. 53; 132 Me. 25, 236.

**Sec. 73.** Teams stationary or traveling slowly shall turn to right to allow another approaching from rear to pass. R. S. c. 29, § 3. When a person with a team is stationary, or traveling slowly, on a way at a place unsafe or inconvenient for passing him with a team, he shall, if requested, drive to the right, or stop a reasonable time at a convenient place, to allow the other to pass.

\*25 Me. 46; 71 Me. 347.

**Sec. 74.** Stationary vehicles shall not obstruct way; animal drawn vehicles shall not be left on a way unless fastened. R. S. c. 29, § 4. No person shall leave his vehicle stationary on a way so as to obstruct the free passage of other vehicles; or allow an animal drawn team to be in the way unattended unless it is reasonably fastened.

**Sec. 75.** Vehicles shall keep to right boundary of way so as to allow swifter vehicles approaching from rear passage to left. R. S. c. 29, § 5. A person in control of any vehicle moving slowly along a way shall keep said vehicle as closely as practicable to the right-hand boundary of the way, allowing more swiftly moving vehicles reasonably free passage to the left.

**Sec. 76.** Bells shall be attached to horse or animal drawn vehicles when snow is on ground. R. S. c. 29, § 6. One or more bells shall be either attached to one of the foremost horses drawing vehicles without wheels on snow, or attached to the shafts of the vehicle.

**Sec. 77.** Right of way at intersecting ways and at entrances of private roads to public ways. R. S. c. 29, § 7. All vehicles shall have the right of way over other vehicles approaching at intersecting public ways from the left, and shall give the right of way to those approaching from the right; except that traffic officers stationed at such intersections may otherwise regulate traffic thereat. The driver of a vehicle entering a public way from a private road shall yield the right of way to all vehicles approaching on such public way.

See c. 80, § 83, sub-§ VI, re purposes for which towns may pass by-laws, etc.;  
125 Me. 72; 127 Me. 75; 128 Me. 261; 135 Me. 139, 512; 137 Me. 143.

**Sec. 78.** Highway commission may designate "through ways"; limitations; penalty. R. S. c. 29, §§ 8, 9. 1943, c. 69. For the purposes of this section, the state highway commission may from time to time designate certain state and state aid highways and county and town ways connecting such state and state aid highways as "through ways," and may after notice revoke any such designation; provided, however, that within the compact or built-up portion of any city, town, or village as defined in section 102 such designation of through ways shall be made by the state highway commission only with the approval of the municipal officers thereof, and further provided that the state highway commission after notice shall revoke such designation upon the petition of the said municipal officers. No such designation of a through way shall become effective as to regulation of traffic at such a point of intersection until said commission shall have caused suitable warning signs or signals to be erected at or near such point. For the purposes of this section, a way joining a through way at an angle, whether or not it crosses the same, shall be deemed to intersect it, and the word "way," unless the context otherwise requires, shall include a through or other way.

Any person who violates the provisions of this section, and any person who removes, destroys, damages, or defaces any sign or signal erected by or under the direction of the state highway commission as herein provided shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$50, or by imprisonment for not more than 60 days, or by both such fine and imprisonment.

See §§ 1, 21, 30, 64, 65; 130 Me. 397.

**Sec. 79. Vehicles on "through ways" have right of way; vehicles to stop before entering a "through way."** R. S. c. 29, § 8. Every vehicle approaching on a through way to point of its intersection with a way other than a through way so as to arrive at such point at approximately the same instant as a vehicle approaching on such other way shall as against such other vehicle have the right of way, and every vehicle immediately before entering or crossing a through way at its point of intersection with another way shall first come to a full stop, provided that whenever a traffic officer is stationed at such point, he shall have the right to regulate traffic thereat.

130 Me. 397; 139 Me. 134.

**Sec. 80. Solicitation of transportation in motor vehicles forbidden; penalty.** R. S. c. 29, § 11. It shall be unlawful for any person while upon any public highway, or the right-of-way of any public highway, to endeavor by words, gestures, or otherwise, to beg, invite, or secure transportation in any motor vehicle not engaged in passenger carrying for hire, unless said person knows the driver thereof or any passenger therein. Provided nothing in this section shall prohibit the solicitation of aid in the event of accidents or by persons who are sick or seeking assistance for the sick; and provided furthermore, that the exception for sickness shall apply only in cases of bona fide sickness in which an emergency exists.

Any person violating any of the provisions of this section shall be punished by a fine of not more than \$50, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

**Sec. 81. Interruption of traffic for certain purposes, prohibited.** 1931, c. 146. Whoever, for the purpose of soliciting any alms, contribution, or subscription or of selling any merchandise or ticket of admission to any game, show, exhibition, fair, ball, entertainment, or public gathering, signals a moving vehicle on any highway or causes the stopping of a vehicle thereon, or accosts any occupant of a vehicle stopped thereon at the direction of a police officer or signal man, or of a signal or device for regulating traffic, shall be punished by a fine of not more than \$50, or by imprisonment for 30 days in jail.

**Sec. 82. Vehicles approaching stationary street car from rear.** R. S. c. 29, § 12. An operator of a vehicle shall bring it to a full stop not less than 5 feet from the rear of any street car headed in the same direction which has stopped for the purpose of taking on or discharging passengers, and shall remain stationary until such car has taken on or discharged its passengers; provided, however, that such operator may pass such car where a safety zone is established or where he may pass such car at a distance of at least 8 feet from the running board or lowest step thereof; and provided further, that he shall slow down and proceed cautiously. He may also pass to the left of such car when there is a clear view and a clear way for at least 100 feet in advance of such car on its left; provided he shall slow down and proceed cautiously.

125 Me. 328.

**Sec. 83. Police and fire department vehicles and ambulances have right of way.** R. S. c. 29, § 13. Police, fire department, traffic emergency repair vehicles, and ambulances, when operated in response to calls, shall have the right of way; and on the approach of any such vehicle the driver of every other vehicle shall immediately draw his vehicle as near as practicable to the right hand curb and parallel thereto and bring it to a standstill until such public service vehicles have passed. The person in control of a street car shall also immediately stop said car upon the approach of fire apparatus and keep it stationary until such apparatus has passed.

132 Me. 347.

**Sec. 84. Teams conveying passengers not to be left unattended; brakes to be set on stationary motor vehicles.** R. S. c. 29, § 14. No driver of a team having passengers therein conveyed for hire shall leave it without a person in charge or without fastening it securely; and no person having control or charge of a motor vehicle shall allow such vehicle to stand upon any way and remain unattended without effectively setting its brakes.

**Sec. 85. Height and width of motor vehicles and trailers limited.** R. S. c. 29, § 15. 1939, c. 125. No motor vehicle or trailer which, with or without load, is wider than 8 feet over all, or is over 12 feet, 6 inches high, shall be operated upon any way or bridge. No portion of any such vehicle or load, except the reflecting mirror required by this chapter, shall project beyond the side of said vehicle to make a total width greater than herein specified. Provided, however, that the provisions of this section shall not apply to snowplows and equipment used exclusively for the removal of snow, or to construction equipment, the use of which is confined to the limits of highway and bridge construction projects, and provided, however, that the provisions of this section shall not be construed as limiting the width of a load of loose hay or pea vines or cornstalks.

**Sec. 86. Injurious substances not to be placed on any way or bridge.** R. S. c. 29, § 16. No person shall throw or place, or cause to be thrown or placed upon any way or bridge, any tacks, nails, wire, scrap metal, glass, crockery, or other substance injurious to the feet of persons or animals or to tires or wheels of vehicles. Whoever accidentally, or by reason of an accident, drops from his hand or a vehicle any such substance upon any way or bridge shall forthwith make all reasonable efforts to clear such way or bridge of the same.

See c. 128, § 5, re throwing of bottles, etc., on highways.

**Sec. 87. Certain vehicles not to be operated on roads and bridges without special permit.** R. S. c. 29, § 19. 1937, c. 120. No vehicle, engine, contrivance, or object shall be moved upon or over any way or bridge upon wheels, rollers, or otherwise in excess of the lengths or widths or heights or weights prescribed in this chapter without obtaining a permit in accordance with section 89; nor shall any vehicle, engine, team, or contrivance of whatever weight be moved upon or over any way or bridge which has any flange, rib, clamp, or other object attached to its wheels, or made a part thereof, likely to bruise or injure the surface of such way or bridge, without permit obtained as provided in this chapter. Mowing machines, light farm tractors, not customarily operated over public ways, and other light-weight farming vehicles, are exempted from the provisions of this section. This section shall not be construed to prohibit the use of tire chains of reasonable proportions on vehicles when required for safety because of snow, ice, or other conditions tending to cause such vehicle to slide

or skid. Provided, however, that this section shall not apply to ways open to the public, privately owned or maintained, or to the use of such ways by those owning or maintaining them.

See §§ 93, 100; 129 Me. 378.

**Sec. 88. Speed limit on bridges of 4-ton vehicles; of 6-ton vehicles.** R. S. c. 29, § 20. No tractor, with or without trailers, and no motor vehicle having a gross weight in excess of 4 tons shall be operated upon any bridge at a rate of speed greater than 15 miles per hour; and no such vehicle having a gross weight in excess of 6 tons shall be operated upon any bridge at a rate of speed greater than 6 miles per hour.

See §§ 93, 100.

**Sec. 89. Permits for moving heavy objects over ways and bridges; jurisdiction; permits limited.** R. S. c. 29, § 21. 1937, c. 121. 1943, c. 15, § 2. Jurisdiction is vested in the state highway commission to grant emergency permits upon proper application in writing to move objects having a length or width or height or weight greater than specified in this chapter over any way or bridge upon which the money of the state has been expended or over which said commission has assumed control; and like permits may be granted by county commissioners, municipal officers, superintendents of streets, or other road officials having charge of the repair and maintenance of any other way or bridge.

Said permits shall be issued to cover the emergency or purpose stated in the application and shall be limited as to the particular objects to be moved and the particular ways and bridges which may be used.

Provided, however, that the state highway commission, in respect to state and state aid highways and bridges within city or compact village limits, and municipal officers in respect to all other ways and bridges within such city and compact village limits, may grant permits to operate vehicles having a gross weight exceeding the limit of gross weight in this chapter prescribed, and all such permits may contain any special conditions or provisions which in the opinion of the grantors are necessary.

Provided, however, that during such period of the present emergency as the public utilities commission may authorize, jurisdiction is granted to it to issue to any person, firm, or corporation, emergency permits, upon proper application in writing, to operate motor vehicles, transporting petroleum products, having a weight greater than that specified in this chapter.

See § 93.

**Sec. 90. Special restrictions relating to heavy objects passing over bridges.** R. S. c. 29, § 22. 1943, c. 270, § 1. Notwithstanding any loads authorized in this chapter upon any bridge, officials or corporations charged with the repair and maintenance thereof may limit the load permitted on any bridge to such weight as they deem necessary for the safety of life or property, or the maintenance of such bridge. Upon the failure or neglect of such local officials or corporations to prescribe such weights for any bridge, the state highway commission may fix such limit of weight as it deems proper. Such regulations shall be in effect when notice thereof is conspicuously posted at each end of the bridge affected.

See § 93.

**Sec. 91. Ways may be closed to certain vehicles during certain seasons of the year; notices to be posted; jurisdiction.** R. S. c. 29, § 23. 1935, c. 29. The

state highway commission shall designate state and state aid highways and improved 3rd-class highways and bridges, or sections thereof, over which, during such periods of each year as may be determined by the commission, it shall be unlawful for any motor truck or other vehicle or team to pass having a weight, with or without load, exceeding that prescribed by said commission; or to pass except according to restrictions as to weight, speed, operation, and equipment prescribed by the commission and pursuant to its written license. County commissioners and municipal officers may make similar designations of any other ways and bridges within their respective jurisdictions, and impose similar restrictions upon vehicles passing over the same. Provided always that a notice specifying the designated sections of a way or bridge, the periods of closing, and prescribed restrictions, or exclusion, shall be conspicuously posted at each end thereof. The municipal officers of each city, town, and plantation shall, within their respective municipalities, have the same power as the chief and members of the state police in the enforcement of the provisions of this section and of all rules and regulations promulgated by the state highway commission, the county commissioners, and the municipal officers of towns pertaining thereto, and in arresting all violators thereof and in prosecuting all offenders against the same; such municipal officers shall, in such cases, serve without compensation.

See § 93.

**Sec. 92. Log-haulers and traction engines to obtain permits.** R. S. c. 29, § 25. Log-haulers, traction engines, or other motive power to be used in drawing heavily loaded sledges, carts, drays, or vans may be operated upon ways; provided the owners or operators thereof shall apply for and obtain a permit as provided in the 5 preceding sections and shall deposit a bond as provided in said sections.

See § 93.

**Sec. 93. Penalties for violating 6 preceding sections; bond may be required for permits.** R. S. c. 29, § 24. 1943, c. 270, § 2. Whoever as owner, driver, operator, or mover of any engine, team, vehicle, or contrivance mentioned in the 6 preceding sections violates any provision of said sections or the regulations made or permits granted under authority thereof shall be liable to a fine of not less than \$10, nor more than \$500, for each offense; and he shall also be responsible for all damage which said way or bridge may sustain as a result thereof, and the amount may be recovered in an action on the case brought by the municipality, or other corporation, when any way or bridge is injured which is under the care of said municipality or other corporation; by the county commissioners in behalf of any unincorporated township injured, and by the state when any state or state aid way or bridge is injured; and shall be used for the repair of the ways and bridges so injured. Highway officials in granting permits under the provisions of the preceding sections may require from owners or operators a bond satisfactory to them running to the state or the municipal or other corporation affected, conditioned to reimburse it for any expenses necessarily incurred in repairing all damage caused to the way or bridge by the use thereon of such vehicle, load, contrivance, or other object.

**Sec. 94. Appeal may be taken to state highway commission from decision of local highway officers.** R. S. c. 29, § 26. 1943, c. 270, § 3. An appeal in writing may be taken from any order or decision of local highway officials made under the provisions of sections 87 to 93, inclusive, to the state highway commission, and the state highway commission may hear and decide the matter in



a summary manner, modifying, affirming, or vacating the action of such officials and may issue any order necessary to carry its decision into effect. No appeal shall suspend the order or decision of said highway officials, pending the decision of the state highway commission. An appeal may be taken in like manner to the public utilities commission from any action by a railroad corporation under the provisions of section 90 in respect to any highway bridge maintained by such corporation and said commission, after notice and hearing thereon, may confirm or modify such action.

**Sec. 95. Movable track tractors not subject to weight provisions of § 100.** R. S. c. 29, § 27. Tractors, the propulsive power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain known as a movable track, shall not be subject to the limitation upon permissible weight per inch width of tire as provided in section 100 if the portions of the movable track in contact with the surface of the way present plane surfaces.

129 Me. 378.

**Sec. 96. Roads closed for repairs; notices.** R. S. c. 29, § 28. No person shall remove, injure, or tamper with any sign placed by authority of the state highway commission, or by any local official having charge of the repair and maintenance of ways and bridges; nor shall any person operate any vehicle over a way or bridge which is lawfully closed for construction or repairs, and contrary to posted notice whether the work thereon is being done by the state, county, or municipality, or by a contractor, unless permit to pass is expressly granted by some person in charge of the work.

**Sec. 97. Certificate of registration of motor vehicle which is a menace to public or so constructed as to cause unnecessary damage to highways may be revoked or suspended.** R. S. c. 29, § 47. Subject to the same conditions as to appeal as provided for in section 7 the secretary of state may revoke or suspend the certificate of registration of any vehicle which is so constructed as to be, when in operation, a menace to the safety of its occupants or to the public, or is so constructed or operated as to cause unreasonable damage to ways or bridges.

**Sec. 98. Rate of speed of commercial vehicles.** R. S. c. 29, § 52. 1933, c. 107. 1939, c. 213, § 1. No commercial vehicle equipped with pneumatic tires and registered to carry a load in excess of 1 ton shall be operated on open country ways at a rate of speed exceeding 40 miles per hour, or within the compact built-up portions of any city, town, or village at a rate of speed exceeding 12 miles per hour; said ways and built-up portions being defined in section 102; nor shall any commercial vehicle equipped with two or more solid tires be operated on said open country ways at a rate of speed exceeding 15 miles per hour or within said compact built-up portions at a rate of speed exceeding 10 miles per hour.

See §§ 106, 118.

**Sec. 99. Authority delegated to state highway commission to correct abuse of highways by commercial vehicles.** R. S. c. 29, § 53. The rights and powers of the state highway commission to exclude, or restrict the weight or equipment, or to regulate the speed of, vehicles enumerated in section 98, when in their judgment the passage of any such vehicle over any way or bridge would be unsafe or likely to cause excessive damage to the same, is expressly conferred on said commission and nothing in any section of this chapter shall be construed to restrict or abridge any of said rights and powers; the intent of this

chapter being to confer upon the state highway commission, and upon the appropriate highway officials, broad regulative authority to encourage reasonable use of the ways and bridges and to correct abuse thereof; such delegated authority being necessary in the opinion of the legislature for the reasonable use and proper protection and continued maintenance of the ways and bridges of this state.

**Sec. 100. Weight of commercial vehicles limited.** R. S. c. 29, § 56. 1931, c. 278. 1939, c. 157. No motor truck, trailer, tractor, combination of truck tractor and semi-trailer, or other commercial vehicle shall be operated over any way or bridge when the gross weight (actual weight of vehicle and load) exceeds 40,000 pounds. No vehicle having 2 axles shall be so operated when the gross weight is in excess of 30,000 pounds; provided, however, that no vehicle shall have a gross weight imparted to any road surface of more than 22,000 pounds on any one axle, and no vehicle having two or more axles less than 10 feet apart shall be operated with more than 16,000 pounds imparted to the road surface from either axle; provided further, that no vehicle shall be so operated when the load imparted to the road surface is greater than 600 pounds per inch width of tire (manufacturer's rating); except that in special cases, special permits for greater gross weights may be granted by the state highway commission or such appropriate commission or official as is duly authorized elsewhere in this chapter.

See § 95.

**Sec. 101. Weight of commercial vehicles to be plainly indicated on vehicle.** R. S. c. 29, § 59. 1939, c. 238, § 4. 1941, c. 204. Every vehicle intended for commercial use shall have attached thereto in some conspicuous place a plate giving its actual unloaded weight and its registered seating capacity or registered carrying capacity as recorded by the secretary of state; or such registered seating capacity or registered carrying capacity, shall be plainly marked or painted on said vehicle. The weight and capacity so appearing shall be prima facie evidence of their correctness, provided, however, that in case of a combination of truck tractor and semi-trailer, the truck tractor shall be marked with its weight and the total carrying capacity of the combined vehicles. Any semi-trailer used in such combination shall be marked with only its actual unloaded weight.

**Sec. 102. Speed regulations.** R. S. c. 29, § 69. 1933, c. 64. 1939, c. 213, §§ 2, 3, 4.

I. (1933, c. 64) Any person driving a vehicle on a way shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface, and width of the highway, and of any other conditions then existing, and no person shall drive any vehicle upon a way at such a speed as to endanger any person or property. No passenger bus having a seating capacity of more than 7 passengers shall be driven or operated at a rate of speed in excess of 45 miles per hour.

See c. 37, § 9, re safety on school busses; 130 Me. 397; 132 Me. 347; 136 Me. 33, 160.

II. (1939, c. 213, §§ 2, 3, 4) Subject to the provisions of subsection I of this section and except in those instances where a lower speed is specified in this chapter, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be lawful:

A. 15 miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;

132 Me. 347.

B. 15 miles an hour when approaching within 50 feet and in traversing an intersection of ways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the ways entering such intersection for a distance of 200 feet from such intersection;

132 Me. 347; 137 Me. 143.

C. 25 miles an hour in a business or residential district, or built-up portion, as defined in subsection IV of this section, and in public parks unless a different speed, in such places, is fixed by the municipal officers and approved by the state highway commission and duly posted;

139 Me. 190.

D. 45 miles an hour under all other conditions.

132 Me. 347.

Any speed in excess of the limits established by law shall be prima facie evidence that the speed is not reasonable and proper as defined in subsection I of this section. In every charge of violation of a speed limit, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven; also the speed at which the statute declares shall be prima facie lawful at the time and place of the alleged violation.

III. Municipal officers in their respective jurisdictions are authorized in their discretion, but subject to the approval of the state highway commission, to increase the speed which shall be prima facie lawful upon through ways at the entrances to which vehicles are required to stop before entering or crossing such through ways. Municipal officials shall place and maintain upon all through ways upon which the permissible speed is increased adequate signs giving notice of such special regulations. There shall also be placed and maintained upon each and every way intersecting any said through way, appropriate stop signs as required by section 78.

IV. The compact or built-up portions of any city, town, or village, shall be the territory of any city, town, or village contiguous to any way which is built up with structures devoted to business or where the dwelling-houses are situated less than 150 feet apart for a distance of at least  $\frac{1}{4}$  of a mile. Municipal officers may designate such compact or built-up portions by appropriate signs.

See § 118; c. 88, § 109, re junk yards. 122 Me. 127; 126 Me. 558; 132 Me. 347.

Sec. 103. Overtaking vehicle to pass at left; driver to give warning. R. S. c. 29, § 70. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

The driver of an overtaking motor vehicle not within a business or residence district as herein defined shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

See § 111; 131 Me. 266; 132 Me. 236.

Sec. 104. Overtaking vehicle not to pass another under certain conditions. R. S. c. 29, § 71. 1943, c. 81. The driver of a vehicle shall not overtake and

pass another vehicle proceeding in the same direction, upon the crest of a grade or upon a curve in the way, where the driver's view along the way is obstructed within a distance of 400 feet.

The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any steam or electric railway grade crossing nor at any intersection of ways unless permitted to do so by a traffic or police officer.

See § III; 132 Me. 236; 133 Me. 250.

**Sec. 105. Overtaken vehicle to give right of way.** R. S. c. 29, § 72. The driver of a vehicle upon a way about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

See § III; 131 Me. 266; 132 Me. 236.

**Sec. 106. Trucks to travel 150 feet apart.** R. S. c. 29, § 73. The driver of any motor truck when traveling upon a way outside of a business or residence district shall not follow another motor truck within 150 feet, but this shall not be construed to prevent one motor truck overtaking and passing another.

See § 98, 118.

**Sec. 107. Method of turning vehicles at intersections; municipal officers may modify.** R. S. c. 29, § 74. Except as otherwise provided in this section, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right-hand side of the way, and in turning shall keep as closely as practicable to the right-hand curb and when intending to turn to the left shall approach such intersection in the lane for traffic to the right of and nearest to the center line of the way, and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left.

For the purpose of this section the center of the intersection shall mean the meeting point of the medial lines of the ways intersecting one another.

Municipal officers in their respective jurisdictions may modify the foregoing method of turning at intersections by clearly indicating by buttons, markers, or other direction signs within an intersection the course to be followed by vehicles turning thereat; and it shall be unlawful for any driver to fail to turn other than in a manner as directed when such signs are so installed.

132 Me. 22, 236; 134 Me. 205, 499; 135 Me. 397.

**Sec. 108. No parking upon paved or improved portion of ways; exceptions.** R. S. c. 29, § 75. 1943, c. 123. No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any way, outside of a business or residence district, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such way; provided in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any way unless a clear and unobstructed width of not less than 10 feet upon the main traveled portion of said way opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless the operator of an approaching vehicle can have a clear view of the way for a distance of 300 feet beyond the parked or standing vehicle, before approaching within 200 feet of such vehicle.

When an officer finds a vehicle standing on a highway in violation of this section he may move the vehicle or require the driver or person in charge of the vehicle to move it to a position permitted under the provisions of this section.

This section shall not apply to the driver of a vehicle which is disabled while on the paved, improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position.

See § 112; 133 Me. 128; 135 Me. 215.

**Sec. 109. No coasting on down grade with gears in neutral.** R. S. c. 29, § 76. The driver of a motor vehicle when traveling upon a down grade upon any way shall not coast with the gears of such vehicle in neutral.

**Sec. 110. Municipalities may not alter speed limitations; may enact ordinances to regulate traffic by signal devices; may regulate speed in parks.** R. S. c. 29, § 77. Municipalities shall have no power to alter any speed limitations or to enact or enforce any regulations contrary to the provisions of this chapter; except that they may by ordinances or by-laws regulate traffic by means of signal devices or other appropriate methods on any portion of the way where traffic is heavy or continuous, and prohibit other than one-way traffic upon certain ways. The speed of vehicles in public parks may be regulated in like manner provided there shall be erected at all entrances to such parks adequate signs giving notice of any such special speed regulations.

**Sec. 111. When approaching frightened animal, vehicles to be stopped if signal is made; passing animal or vehicle from rear.** R. S. c. 29, § 79. Whoever, driving or operating a motor vehicle upon any way, when approaching from the opposite direction a person riding, driving, or leading a horse or other animal which appears to be frightened, is signalled by putting up of the hand or by other visible sign by such person, shall cause such motor vehicle to come to a stop as soon as possible and remain stationary as long as it may be necessary and reasonable to allow such horse or animal to pass. Whenever traveling in the same direction, the person operating a motor vehicle shall use reasonable caution in passing horses or other animals and vehicles.

See §§ 103, 104, 105.

**Sec. 112. Every vehicle to display lights; certain exceptions.** R. S. c. 29, § 83. Every vehicle, whether stationary or in motion, on any way or bridge shall have attached to it a light or lights so displayed as to be visible from the front and rear thereof during the period from  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  hour before sunrise; provided, however, that this section shall not apply to any vehicle which is designed to be propelled by hand, nor to any vehicle not in motion and parked or beside a curb in a place and under conditions where there is sufficient artificial light to make such vehicle clearly visible from a distance not less than 100 feet in each direction.

See §§ 31, 108, 113, 116; 135 Me. 159, 215; 138 Me. 105.

**Sec. 113. Vehicles carrying objects extending 5 feet from rear to be equipped with danger signals both day and night; trailers to be securely fastened.** R. S. c. 29, § 84. Every vehicle carrying objects which project more than 5 feet from the rear shall, during the period of  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  hour before sunrise, carry a red light at or near the rear end of the objects so projecting, and at all other times such vehicle shall carry a danger signal at or near the end

of the object so projecting. Trailers having more than 2 wheels shall be connected to the towing vehicle or preceding trailer by at least 1 chain, in addition to the hitch bar, of sufficient strength to hold the trailer on a hill if the hitch bar becomes disconnected, or shall be provided with some other adequate holding device.

See §§ 34, 112; 135 Me. 59.

**Sec. 114. Municipal officers may limit speed in dangerous places.** R. S. c. 29, § 85. Municipal officers may designate places on any way where in their judgment by reason of cliffs, embankments, or other exceptional natural conditions, the meeting of motor vehicles and horses or other animals would be attended with unusual danger, by causing the words "Automobiles go slow" to be conspicuously displayed on signs on each approach to such place not less than 150 feet distant therefrom. No motor vehicle shall pass any place so designated at a greater speed than 10 miles an hour.

**Sec. 115. Mirror must be attached to motor vehicles which are so constructed or loaded that operator does not have a clear view to rear.** R. S. c. 29, § 113. 1943, c. 61. No person shall operate upon any public way any taxicab, commercial motor vehicle, motor truck, or trailer so constructed, equipped, loaded, or used that the driver or operator is prevented from having a constantly free and unobstructed view of the highway immediately in the rear, unless there is attached to the vehicle a mirror or reflector so placed and adjusted as to afford the operator a clear, reflected view of the highway in the rear of the vehicle, for a distance of at least 50 feet.

**Sec. 116. Regulation of spot lights.** R. S. c. 29, § 114. There shall not be used on or in connection with any motor vehicle a spot light, so called, the rays from which shine more than 2 feet above the road at a distance of 30 feet from the vehicle, except that such spot light may be used for the purpose of reading signs, and as an auxiliary light in cases of necessity when the other lights required by law fail to operate.

**Sec. 117. Use of highways by vehicles authorized unless specifically prohibited.** R. S. c. 29, § 115. Subject to the provisions of the several sections of this chapter, vehicles of every kind or description may be operated on the ways of this state unless prohibited or restricted by special law or town ordinance duly authorized by legislative act prohibiting or restricting the use of motor vehicles in certain towns, or by the rules, orders, and regulations promulgated by the state highway commission under authority of this chapter.

**Sec. 118. Speed of motor vehicles regulated.** 1933, c. 132. Notwithstanding the provisions of sections 98 and 102, the state highway commission shall have authority to restrict the speeds of either commercial or pleasure vehicles at any and all points on the highway where in the opinion of the commission a rate of speed less than that now authorized by law will minimize the danger of accident and in each such place shall have authority to fix the rate of speed in accordance with its own judgment and place all necessary signs to give notice thereof.

See § 106.

#### Enforcement and General Provisions

**Sec. 119. Reckless driving; penalty.** R. S. c. 29, § 86. 1937, c. 211. Whoever operates any vehicle upon any way, or in any place to which the public has a right of access:

I. Recklessly; or

II. In a wanton manner causing injury to any person or property; shall be guilty of reckless driving and upon conviction shall be punished by a fine of not more than \$200, or by imprisonment for a term of not more than 3 months, or by both such fine and imprisonment; and whoever is convicted the 2nd time for a violation of the provisions of this section shall be punished by a fine of not less than \$200, nor more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

**Sec. 120. Penalty for going away without stopping after an accident; using motor vehicle without authority.** R. S. c. 29, § 87. 1941, c. 4. Whoever goes away without stopping and making himself known after causing injury to any person or property, or uses a motor vehicle without authority from its owner, shall be punished by a fine of not more than \$200, or by imprisonment for a term of not more than 9 months, or by both such fine and imprisonment; and if any person be convicted the 2nd time for a violation of the provisions of this section, he shall be punished by a fine of not less than \$200, nor more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

If any person drives a motor vehicle in a reckless manner or goes away without stopping and making himself known after causing injury to any other person or property, or operates a motor vehicle while apparently under the influence of intoxicating liquor or drugs, it shall be the duty of every officer who is charged with the enforcement of law and of every citizen, to forthwith report the same to the secretary of state, giving the register number of the vehicle, the state registering the same, and the name and residence of the operator, occupants, or owner, if known. Upon receipt of such complaint the secretary of state shall forthwith investigate the case and may suspend or revoke the license of such operator, or, if a non-resident, his right to operate in this state, and annul the registration of any vehicle so operated, for such time as he shall deem advisable.

See § 133. 118 Me. 431.

**Sec. 121. Penalty for operating motor vehicle while under the influence of intoxicating liquor or drug.** R. S. c. 29, § 88. 1935, c. 89. 1939, cc. 17, 273. Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, upon conviction, shall be punished by a fine of not less than \$100, nor more than \$1,000, or by imprisonment for not less than 30 days, nor more than 11 months, or by both such fine and imprisonment. Any person convicted of a 2nd or subsequent offense shall be punished by imprisonment for not less than 3, nor more than 11 months, and in addition thereto, the court may impose a fine as above provided. Evidence that there was, at that time, 7/100%, or less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not under the influence of intoxicating liquor within the meaning of this section. Evidence that there was, at that time, from 7/100% to 15/100% by weight of alcohol in his blood is relevant evidence but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor within the meaning of this section. Evidence that there was, at the time, 15/100%, or more, by weight of alcohol in his blood, is prima facie evidence that the defendant was under the influence of intoxicating liquor within the meaning of this section. The failure of a person accused of this offense to have tests made to determine the weight of alcohol in his blood shall not be admissible in evidence against him. Whoever shall operate or

attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, when such offense is of a high and aggravated nature shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not less than \$100, nor more than \$1,000, or by imprisonment for not less than 60 days, nor more than 2 years, or by both such fine and imprisonment. Any person convicted of a 2nd or subsequent offense of the same gravity shall be punished by imprisonment for not less than 3 months, nor more than 3 years, and in addition the court may impose a fine as above provided. The license or right to operate motor vehicles of any person convicted of violating the provisions of this section shall be revoked immediately by the secretary of state upon receipt of an attested copy of the court records, without further hearing.

If any person convicted of any violation of the provisions of this section shall appeal from the judgment and sentence of the trial court, his license and right to operate a motor vehicle in this state shall be suspended during the time his appeal is pending in the appellate court, unless the trial court shall otherwise order, or unless the secretary of state, after a hearing, shall restore the license or permit pending decision on the appeal. The license of any person against whom probable cause is found and who is held under bail pending the action of the grand jury for the violation of the foregoing provision shall be suspended until the final disposition of the charge.

No person whose license or right to operate a motor vehicle has been revoked upon conviction of violating the provisions of this section shall be licensed again or permitted to operate a motor vehicle for 3 years, except that, after the expiration of 2 years from the date of such revocation, he may petition the secretary of state for a license or permit, who, after hearing and after his determination that public safety will not be endangered by issuing a new license, may issue such license or permit, with or without conditions thereto attached; upon a 2nd conviction of a violation of the provisions of this section, such person shall not be licensed again or permitted to operate a motor vehicle in this state for 5 years from the date of revocation, provided, however, that after 3 years from the date of such last revocation, he may petition the secretary of state for a license or permit and the secretary of state, after like hearing and determination, again may issue a license or permit to the petitioner, with or without conditions; upon any subsequent conviction for a similar offense, the license or permit shall terminate and no subsequent license or permit shall be granted to such person; for the purpose of this section, in case a person has been convicted one or more times prior to the 13th day of July, 1929, of a violation of the provisions of this section, such previous conviction or convictions shall be construed as 1 conviction.

See § 133; 123 Me. 412, 566; \*124 Me. 198; 125 Me. 42; 131 Me. 438; 135 Me. 96; 136 Me. 165.

**Sec. 122. Manslaughter; license to be revoked.** 1939, c. 36. The license of any person to operate a motor vehicle, who, as the result of operating a motor vehicle in such a manner as to cause the death of any person shall be convicted of the crime of manslaughter, shall be revoked immediately by the secretary of state upon receipt of an attested copy of the court records, without further hearing, provided, however, that in case of an appeal the license shall be suspended during the course of the appeal, and the revocation start when and if the conviction is upheld. No person whose license or permit to operate a motor vehicle has been revoked upon such conviction of manslaughter shall be licensed again or permitted to operate a motor vehicle for a period of 5 years from the



time such license is revoked, or, by the provisions of this section, should have been revoked. For the purposes of this section and of section 121, a person shall be deemed to have been convicted if he pleaded guilty or nolo contendere or was adjudged or found guilty by a court of competent jurisdiction, whether or not he was placed on probation without sentence or under a suspended sentence or the case was placed on file or on special docket.

**Sec. 123. Operating motor vehicle at grade crossings, caution to be observed; to stop if warning signal indicates approach of train; penalty for violation.** R. S. c. 29, §§ 89, 90. 1935, c. 29; c. 113, § 2. Every person operating a motor vehicle upon passing any sign provided for in sections 68 and 69 of chapter 20 which is located more than 100 feet from a grade crossing shall, upon reaching a distance of 100 feet from the nearest rail of such crossing, forthwith reduce the speed of the vehicle to a reasonable and proper rate and shall proceed cautiously over the crossing. Wherever such crossing is protected by gates, by a flagman, or by automatic signal, every such motor vehicle operator, or person in control of such vehicle, if the gates are lowered or are being lowered, or if the action of the flagman or the operation of the automatic signal shall indicate that a train is approaching, shall bring such vehicle to a full stop at a distance of not less than 10 feet from the nearest rail of the crossing and shall not proceed on or across the railroad track or tracks until the gates shall have been raised, or until the action of the flagman shall indicate that no train is approaching such crossing, or if the crossing is protected by automatic signal, until such driver has ascertained that no train is approaching. This provision shall be deemed to require a precaution in addition to the duties and precautions imposed by law on persons approaching or crossing a railroad grade crossing.

Whoever violates the provisions of this section shall, upon conviction, be punished as provided by section 120; and in addition thereto his license to operate shall be suspended or revoked. The state police shall enforce the provisions of this section.

See c. 20, § 71, re penalty for unlawfully removing, etc. signs, etc.; 138 Me. 215.

**Sec. 124. Police officers in uniform may stop motor vehicles for examination; may examine stationary vehicles; penalty for refusing to give name to officer when requested.** R. S. c. 29, §§ 103, 111. 1935, c. 29. 1941, c. 197. All police officers in uniform may at all times, with or without process, stop any motor vehicle to examine identification numbers and marks thereon, raising the hood or engine cover if necessary to accomplish this purpose, and may demand and inspect the driver's license, registration certificate, and permits.

It shall be unlawful for the operator of any motor vehicle to fail or refuse to stop any such vehicle, upon request or signal of any officer whose duty it is to enforce the motor vehicle laws when such officer is in uniform.

Whenever a motor vehicle is being operated by a person not having upon his person or in such vehicle the registration certificate covering such vehicle, or if it be operated by a person other than the person in whose name it is registered, and such operator is unable to present evidence of his authority to operate such motor vehicle, such police officer, or any sheriff or his deputy, may impound such vehicle and hold it until the same is claimed and taken by the registered owner thereof, who shall be forthwith notified of the impounding. Said officers if wearing a badge may also at all times, with or without process, and with or without uniform, enter public garages, parking places, and buildings where motor vehicles are stored or kept, for the purpose of examining identi-

fication numbers and marks thereon and may also examine any vehicle standing in any public way or place.

Any such officer may in like manner and under like circumstances examine any vehicle to ascertain whether its equipment complies with the requirements of this chapter.

Whoever while operating a vehicle not lighted or equipped as required by any of the provisions of this chapter shall fail or refuse when requested by an officer authorized to make arrests to give his correct name and address shall be liable to the penalty provided in section 135.

See c. 57, § 94, re limitation in stopping motor vehicles to enforce liquor laws.

**Sec. 125. Penalty for selling or having in possession motor vehicle or trailer from which identification marks have been removed.** R. S. c. 29, § 112. 1939, c. 94. Whoever knowingly buys, sells, receives, disposes of, aids in the disposal of, conceals, or has in his possession any motor vehicle or trailer from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of said vehicle shall be punished by a fine of not more than \$1000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

See § 133.

**Sec. 126. Garage proprietor to report any motor vehicle involved in a serious accident.** R. S. c. 29, § 129. 1935, c. 29. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station, to some one of the state police, or to some sheriff or his deputy, immediately after such motor vehicle is received, giving the serial and engine number, registration number, and the name and address of the owner or operator of such vehicle.

**Sec. 127. Owner of motor vehicle liable for damages caused by minor under 18 operating with his authority.** R. S. c. 29, § 35. Every owner of a motor vehicle causing or knowingly permitting a minor under the age of 18 years to operate such vehicle upon a highway, and any person who gives or furnishes a motor vehicle to such minor, shall be jointly and severally liable with such minor for any damages caused by the negligence of such minor in operating such vehicle.

139 Me. 136, 141.

**Sec. 128. Owner and renter of motor vehicles to be jointly and severally liable for damages.** R. S. c. 29, § 99. The owner of a motor vehicle engaged in the business of renting motor vehicles without drivers who rents any such vehicle without a driver to another, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, permitting the renter to operate the vehicle upon the public ways, shall be jointly and severally liable with the renter for any damages caused by the negligence of the latter in operating the vehicle and for any damages caused by the negligence of any person operating the vehicle by or with the permission of the person so renting the vehicle from the owner, except that the foregoing provisions shall not confer any right of action upon any passenger in any such rented vehicle as against the owner, but nothing herein contained shall be construed to prevent the introduction as a defense of contributory negligence to the extent to which such defense is allowed in other cases.

**Sec. 129. Owner of rented motor vehicles to keep a record of the renter.** R. S. c. 29, § 100. Every person engaged in the business of renting motor vehicles without drivers who shall rent any such vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented, including a record of his license, and the exact time the vehicle is the subject to such rental or in possession of the person renting and having the use of the vehicle, and every such record shall be a public record and open to inspection by any officer, and it shall be a misdemeanor for any such owner to fail to make or have in possession or to refuse an inspection of the record required in this section. If the secretary of state prescribes a form for the keeping of the record provided for in this section, the owner shall use said form.

**Sec. 130. Penalty for deception, misstatement, or false statements on application for license or registration.** R. S. c. 29, §§ 51, 109. Whoever shall make any material misstatement of fact upon his application for license to operate a motor vehicle, or for registration thereof, and whoever shall deceive or substitute, or cause another to deceive or substitute in connection with any examination required hereunder, or shall knowingly make use of any registration certificate, number plate, or operator's license or badge issued upon an application containing any material false statement of fact shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment; and every such certificate, license plate, or badge shall be void from the date of its issue, and shall be surrendered to the secretary of state upon demand, and any moneys paid for the same shall be forfeited to the state.

See § 133.

**Sec. 131. Registration plates to be surrendered on demand of secretary of state; penalty for taking registration plates without right.** R. S. c. 29, § 108. 1941, c. 119. All registration number plates, issued by the secretary of state, shall continue to be the property of the state, and the person to whom the same are issued shall surrender the same, on demand of the secretary of state, whenever his registration certificate is suspended or revoked. Whoever steals, takes, or carries away any registration number plate from any person entitled to its possession shall be liable to the penalty provided in section 135.

**Sec. 132. When registration has been revoked, vehicle not to be operated; person whose license has been revoked or suspended not to operate motor vehicle; number plates not transferable; plates to be properly displayed.** R. S. c. 29, § 107. No person shall operate a motor vehicle after his license to operate has been suspended or revoked, or operate or permit any other person to operate a vehicle while the certificate of registration of such vehicle is suspended or after it has been terminated or canceled, or attach or permit to be attached to a vehicle a number plate assigned to another vehicle, or obscure or permit to be obscured the figures of any number plate attached to any vehicle, or fail to properly display on a vehicle the number plates and registration number duly issued therefor.

See § 135.

**Sec. 133. Persons arrested to be given immediate trial; exceptions; bail; penalty for failure to appear.** R. S. c. 29, § 78. Whoever is arrested for violation of any provisions of this chapter, except those of sections 120, 121, 125, and 130, shall be given an immediate trial if he shall so demand of the officer making the arrest, but if for any reason it is impracticable to do so, the officer making the

arrest shall immediately take the prisoner before some bail commissioner, who before admitting him to bail, shall require him to give his name, his place of residence, the number of his license to operate a motor vehicle, and the registration number of the motor vehicle operated at the time of his arrest, and shall make a record thereof on the bail bond, and may take his personal recognizance for his appearance in court on a specified day, not less than 2 days thereafter if requested by the person arrested; or such officer in like cases may accept the personal recognizance of such person for his appearance as aforesaid. If such person fails to appear in court on the day specified, either in person or by counsel, the court shall notify the secretary of state, who shall immediately suspend or revoke his license, if licensed in this state, or suspend or revoke his right to operate motor vehicles in this state, if a non-resident and not licensed in this state, and also suspend or annul the registration of the motor vehicle driven by such person when arrested, if said motor vehicle is registered in this state.

**Sec. 134. Court jurisdiction of violations.** R. S. c. 29, § 118. 1931, c. 189. 1933, c. 92, § 5; c. 118, § 1. 1935, c. 29. 1943, c. 269, § 2. Trial justices in their respective counties shall have original and concurrent jurisdiction with municipal courts and the superior court over all prosecutions for violation of the provisions of this chapter. All fines and forfeitures collected under the provisions of this chapter shall accrue to the county where the offense is prosecuted.

**Sec. 135. General penalty for violation where specific penalty is not provided.** R. S. c. 29, § 119. Whoever violates or fails to comply with the provisions of any section of this chapter, or any rules or regulations established thereunder, when no other penalty is specifically provided, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

115 Me. 134.

**Sec. 136. Court record of conviction of violation of statute relative to motor vehicles to be sent to secretary of state; to be held as a public record; magistrate may make recommendation.** R. S. c. 29, § 48. Every court and trial justice in every case wherein a person is convicted of the violation of any statute relative to motor vehicles or to the operation of any vehicle shall forthwith transmit to the secretary of state an abstract, duly certified, setting forth therein the names of the parties, the nature of the offense, the date of hearing, the plea, the judgment, and the result; and they shall be open to public inspection during reasonable hours. Said magistrates may make such recommendations to the secretary of state as to suspension or revocation of licenses and certificates of registration of respondents as they deem to be in furtherance of justice.

**Sec. 137. Court may temporarily suspend operator's license.** R. S. c. 29, § 49. In addition to any other penalty provided in this chapter and imposed by any court or trial justice upon any person for violation of any provision of this chapter, the court or trial justice may suspend an operator's license for a period not exceeding 10 days, in which case the magistrate shall take up the license certificate of such person, who shall forthwith surrender the same, and forward it by registered mail to the secretary of state. The secretary of state may thereupon grant a hearing and take such further action relative to suspending, revoking, or restoring such license or the registration of the vehicle operated thereunder as he deems necessary.