

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1957 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 1

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Place in Pocket of Corresponding  
Volume of Main Set

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1957

For approval of certificate of organization of a corporation under chapter 53, \$10 in advance.

For approval of certificate of change of purpose under chapter 53, \$10.

(1955, c. 473, § 5. 1957, c. 129, §§ 1, 2; c. 418, § 5.)

**Effect of amendments.** — The 1955 amendment increased the annual salary of the attorney general from \$7,000 to \$8,000.

The first 1957 amendment increased the fee of the attorney general in the third paragraph from \$5 to \$10 and inserted the last paragraph set out above as the fourth

paragraph of this section. The second 1957 amendment, effective July 1, 1957, increased his annual salary from \$8,000 to \$9,000 and carried appropriations for the fiscal years ending in 1958 and 1959.

As the rest of the section was not changed by the amendments, it is not set out.

#### **Sec. 4. Public charities.**

Cited in *Belfast v. Goodwill Farm*, 150 Me. 17, 103 A. (2d) 517.

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### **Chapter 21.**

#### **Secretary of State.**

##### **Office and Duties.**

#### **Sec. 1. Secretary of state; office and duties; vacancy; salary; expenses; fees.**

The secretary of state shall receive an annual salary of \$9,000. He and his deputy shall also receive such actual traveling expenses incident to the administration of his department as shall be necessary.

(1955, c. 473, § 6. 1957, c. 418, § 6.)

**Effect of amendments.** — The 1955 amendment increased the annual salary of the secretary of state from \$7,000 to \$8,000.

The 1957 amendment, effective July 1, 1957, increased his annual salary from

\$8,000 to \$9,000 and carried appropriations for the fiscal years ending in 1958 and 1959.

As only the second paragraph was changed by the amendments, the rest of the section is not set out.

#### **Sec. 4. Prepare commissions, record qualifications, engross bills.**

Cited in *Opinion of the Justices*, 152 Me. 212.

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### **Chapter 22.**

#### **Motor Vehicles. Financial Responsibility Law.**

Section 69-A. Reciprocal Agreements with New Hampshire.

Sections 147-A to 147-C. Operation of Bicycles.

##### **Definitions.**

#### **Sec. 1. Definitions.**

“Antique motor car” shall mean any motor vehicle over 25 years old which is maintained solely for use in exhibitions, club activities, parades and other functions of public interest and which is not used primarily for the transportation of passengers or goods over any way;

(1955, c. 351, § 1.)

“Motor truck” shall mean any motor vehicle designed and used for the conveyance of property;

(1955, c. 51.)

"Owner" for the purposes of registration only shall mean any person, firm, corporation or association owning a vehicle or the mortgagor or the vendee in a conditional sales contract, and shall mean any person, firm, corporation or association owning a motor vehicle, or having the right to use the same, under contract, lease or hiring; except, however, the aforesaid definition shall not apply when said vehicle is engaged exclusively for the use set forth in paragraph E of subsection I of section 29 of chapter 48, or acts amendatory thereto; it shall not mean or include a person engaged in the business of renting Maine registered motor vehicles without drivers, as provided for in section 158; provided, however, that nothing contained in this definition shall require an owner or a common or contract carrier by motor vehicle operating under permit or certificate of the interstate commerce commission or the public utilities commission to register a motor vehicle leased by such owner or carrier for the purpose of augmenting such owner's or carrier's equipment, if such motor vehicle is properly registered by the owner or carrier in this or some other state;

(1955, c. 370, § 1.)

"Special mobile equipment" shall mean every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery ditch-digging apparatus, stone-crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(1955, c. 240, § 1.)

**Effect of amendments.**—The first 1955 amendment substituted "and" for "or" in the definition of "motor truck". The second 1955 amendment added the definition of "special mobile equipment" and the third 1955 amendment added the defini-

tion of "antique motor car," both in their proper places in alphabetical order in this section. The fourth 1955 amendment rewrote the definition of "owner." Only the paragraphs added or changed by the amendments are set out.

### Registration and Licensing. Suspension and Revocation.

**Sec. 6. Suspension or revocation of operators' license or certificate of registration.**—The secretary of state or the deputy 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. (R. S. c. 19, § 6, 1955, c. 10, § 1.)

**Effect of amendment.**—The 1955 amendment inserted the words "or the deputy secretary of state" in the first sentence.

**Sec. 7. Appeal.**—If any person is aggrieved by the decision of the secretary of state or the deputy secretary of state in revoking or suspending a license or certificate of registration or by the refusal of the secretary of state or the deputy 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 or the deputy secretary of state and the decision of such justice shall be final. Pending judgment of the court, the decision of the secretary of state or the deputy secretary of state in revoking or suspending any license or certificate of registration shall remain in full force and effect. (R. S. c. 19, § 7. 1955, c. 10, § 2.)

**Effect of amendment.**—The 1955 amendment made this section applicable to decisions of the deputy secretary of state.

**Sec. 7-A. Facsimile signature of secretary of state.**—A facsimile of the signature of the secretary of state imprinted by or at his direction upon any precept or notice to suspend or revoke any certificate of registration or any license issued to any person to operate a motor vehicle shall have the same validity as his written signature. (1955, c. 10, § 3.)

**Registration. Fees. Conditions. Transfers. Reserved Plates. Temporary Plates. Manufacture of Plates. Equipment. Inspection.**

**Sec. 13. Registration; application; certificates.**—All residents of this state and all such owners as defined in section 1 shall register the same in this state if such motor vehicle is to be operated or remain on any way in this state, unless the said vehicle is currently registered in this state.

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, excepting that any officer of the state police may, when in his opinion the same is necessary and not detrimental to the public safety, grant a permit in writing for an unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar. 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 or identification number, the amount of motive power, stated in figures of horsepower, the type of motor fuel if other than gasoline as defined in section 159 of chapter 16 under the phrase "internal combustion engine fuel" and the actual gross weight of the vehicle 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 numerically according to registration number. 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.

The registration of an antique motor vehicle as described in this chapter shall be upon a form prescribed by the secretary of state. Said registration shall be accompanied by an affidavit provided by the secretary of state, which affidavit shall include a statement of the age and intended use of said motor vehicle, and that said applicant is a resident of the state of Maine.

The fee for the registration of an antique motor vehicle shall be \$5.00 and in addition to the number plates furnished, the secretary of state shall issue an identifying clip tab, which tab shall be nontransferable.

Vehicles legally owned by the federal government which are used by persons in this state under lease with right of purchase agreement or otherwise shall be registered.

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; and such farm tractors may be operated, without registration or license, from or to a filling station or garage for gas, oil or repairs.

Upon the representation of an application for registration of a motor vehicle or trailer, the engine or serial number or identification 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. 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 75¢ each.

All motor vehicles owned and used by the state, any municipal corporation therein and all vehicles owned by an organized volunteer fire department and used exclusively for fire fighting purposes, and all motor vehicles loaned by automobile dealers to municipalities for use in driver education in the secondary schools shall be registered, but shall be exempt from the provisions of this chapter as to payment of registration fees except that when such vehicles are leased or rented for commercial purposes they shall be subject to payment of the fees as provided in this chapter. All such vehicles shall display registration plates as required by this chapter or approved by the secretary of state. All motor vehicles and trailers owned by the state and under the supervision of the state highway commission shall be exempt from the provisions of this chapter as to registration and payment of registration fees. Such motor vehicles and trailers shall display a marker or insignia 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.

Provided, however, that on application to the secretary of state for registration of any motor vehicle of any amputee veteran who has been the recipient of an automobile from the United States government under authority of P. L. 663, 79th congress, as amended, or P. L. 187, 82nd congress, as amended, or of any amputee veteran receiving compensation from the Veterans Administration for service connected disability who shall have a specially designed motor vehicle, such veteran shall be entitled to have said automobile duly registered and a registration certificate delivered to him without the requirements of the payment of any fee.

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 18.

Any veteran who has lost both legs or the use of both legs and who has registered his motor vehicle without the payment of a fee as provided in this section shall be issued special designating plates to be used in addition to the regular registration plates. Such designating plates shall be issued by the secretary of state upon certification by the Veterans Administration. (R. S. c. 19, § 13. 1945, cc. 162, 191. 1947, c. 35. 1949, c. 56, §§ 1, 2; c. 65, § 1; c. 77, § 1; c. 104, § 1; c. 349, § 20. 1951, cc. 21, 82, 108; c. 235, § 1. 1953, cc. 131, 236; c. 385, § 2. 1955, c. 100, § 1; cc. 160, 184; c. 351, § 2; c. 370, § 2. 1957, c. 2; c. 308, § 1; c. 397, § 15.)

**Effect of amendments.**—This section Laws of 1955, Chapter 370 rewrote the was amended five times by the Public first paragraph, c. 160 substituted "any of-

ficer" for "the chief" in the first sentence of the second paragraph, and c. 351 inserted the fourth and fifth paragraphs Chapter 100 inserted the words "and all motor vehicles loaned by automobile dealers to municipalities for use in driver education in the secondary schools" in the thirteenth paragraph, and c. 184, which did not refer to or give effect to c. 100, inserted in the same paragraph the exception clause as to vehicles leased or rented for commercial purposes. All of the amendments have been given effect in the section as set out above.

This section was amended three times in 1957. Chapter 2 made the first sentence

of the thirteenth paragraph into three sentences and inserted in the present third sentence "and all vehicles owned by a municipal fire department or an organized volunteer fire department" immediately following "state highway commission"; however, chapter 397 reenacted the thirteenth paragraph, incorporating all of the changes made by chapter 2 except the insertion quoted above. The thirteenth paragraph is set out above as reenacted by chapter 397. Chapter 308 inserted the word "motor" preceding the word "vehicle" near the end of the first sentence of the second paragraph.

**Sec. 16. Fees for registration; 1/2 regular fee after September 1st.**  
**I. Motor vehicles.**

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

0 horsepower to and including 17 horsepower .....	\$11
18 horsepower to and including 24 horsepower .....	13
25 horsepower to and including 30 horsepower .....	15
31 horsepower and over .....	17

(1957, c. 330, § 1.)

**C.**

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 double the registration fees provided in paragraph A. Except that notwithstanding any other provisions in this section, an owner or operator of interstate motor buses used for the transportation of passengers for hire, operating a fleet of 2 or more motor buses under the authority of the interstate commerce commission and the public utilities commission, shall register and pay registration fees, as scheduled in this section, for that number of motor buses of the owner or operator as the proportion which the mileage of all such motor buses of the owner or operator, operated in this state bears to the total mileage of all such motor buses of the owner or operator operated both within and without the state in accordance with the owner or operator or his or its predecessor's operation of the preceding year, and the secretary of state is authorized to promulgate such rules and regulations as may be necessary to effectuate such apportionment. 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 provided in paragraph A, whether for private use or for livery or hire. (1957, c. 285; c. 330, § 2; c. 411, §§ 1, 2.)

**D.** Any person engaged in a business requiring the limited operation of motor vehicles in order to facilitate the movement of such vehicles from a place where they are engaged in the off-the-highway operations to some other place within the state not more than once each year; or the installation of manufactured equipment thereon such as special bodies, tanks, plows, etc., may make application to the secretary of state upon a blank provided for that purpose for a permit to operate such vehicle without registration. The

secretary, if satisfied that such limited operation is authorized by the provisions of this paragraph, may issue a permit for the operation of such vehicle over a specified route or routes and for such length of time as he may deem necessary. A fee of \$3 for each vehicle to be moved shall accompany the application. The secretary may waive the provisions of section 45 with respect to vehicles operated in accordance with this paragraph. (1951, c. 75. 1955, c. 200, § 1. 1957, c. 330, § 3.)

**F.** Any deputy sheriff with a writ of attachment may move the attached motor vehicle to the place of storage without registration or without any permit from the secretary of state, provided that the sheriff of the county has a blanket insurance coverage for protection under the provisions of the financial responsibility law. (1955, c. 251.)

**II. Tractors or road tractors.**

A home-made farm tractor with motor and chassis at least 10 years old and having a body capacity of not more than 1½ cubic yards shall be registered for a fee of \$2. It shall be unlawful to operate such a vehicle on the highway at a distance of more than 10 miles from the place where the vehicle is customarily kept. (1957, c. 45.)

**III. Trailers.**

Per 100 lbs. gross weight of vehicle and load

Equipped with		
Pneumatic tires .....	15 cents	} up to 2,000 lbs. gross weight
Solid rubber tires .....	40 cents	
Iron, steel or hard tires .....	75 cents	

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 gross weight of 2,000 pounds or more shall be classified and rated as trucks. All boat trailers registered for a gross weight in excess of 2,000 pounds but not more than 4,000 pounds shall pay a registration fee of \$5. House trailers and camp trailers of the covered wagon type shall be registered and pay a fee of \$5 for such registration.

Only one trailer or semi-trailer shall be drawn by a motor vehicle.

No motor vehicle, or combination of motor vehicle and trailer or semi-trailer, except fire department vehicles, shall exceed in length 50 feet over all including all structural parts thereof, permanent or temporary, and any load carried thereon or therein.

Special mobile equipment which is 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. Registration under the provisions of this paragraph shall not include any vehicle which may be used for the conveyance of property except hand tools or parts which are used in connection



with the operation of such equipment, except that road construction or maintenance machinery coming under the definition of special mobile equipment may be used for the transportation of earth on that portion of the highway actually under construction. Such special mobile equipment may be operated unloaded over the highway between construction projects and to or from the place where such vehicles are customarily kept, if a permit for such movement is first obtained in accordance with section 98. 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 98, and permits to move said equipment shall be obtained accordingly.

No registration or license shall be granted to the owner of a house trailer until he shall present a receipt or certificate that the excise tax or the personal property tax assessed on said trailer has been paid for the current year, or written evidence from the taxing authority of that city or town that he was legally exempted therefrom or that the tax has been abated.

Circus and carnival trailers or semi-trailers unloaded from railroad cars and hauled to and from the midway on circus or carnival grounds shall be exempt from the provisions of this section as to fees for the registration and licensing of such trailers or semi-trailers. The provisions of this paragraph shall apply only to circus and carnival trailers or semi-trailers moved to or from railroad stations or railroad sidings nearest the grounds where the circus or carnival show is held. (1947, cc. 166, 183; c. 348, § 3. 1949, c. 104, §§ 2, 3, 4, 5. 1953, c. 139; c. 346, §§ 1, 2. 1955, c. 191, § 2; c. 240, § 2. 1957, c. 308, § 2; c. 309, § 1.)

**V-A. Antique motor vehicles** ..... \$5.00 each.  
(1955, c. 351, § 3.)

**Effect of amendments.**—This section was amended five times by the Public Laws of 1955. Chapter 200 changed paragraph D of subsection I by deleting from the first sentence the words “or the foreclosure or repossession thereof” after the word “year” in line four. Section 13 of c. 200 provides that the act shall become effective for the year 1956. Chapter 251 added paragraph F to subsection I. Chapter 240 rewrote the fifth paragraph of subsection III, and c. 191 made changes in the seventh paragraph of subsection III. Chapter 351 inserted subsection V-A.

This section was amended six times in 1957. Chapter 45 added the paragraph set out under subsection II as the last paragraph of such subsection. Chapter 285 inserted the second sentence in subparagraph 2 of paragraph C of subsection I. Chapter 308 rewrote the sentence which comprises the fifth paragraph of subsection III. Chapter 309 rewrote the sixth paragraph of subsection III. Chapter 330, section 1, increased the fees in paragraph A of subsection I and section

3 thereof increased the fee in the next to the last sentence in paragraph D of subsection I. By section 7 of chapter 330, the increase in fees made by said act is made effective for the calendar year 1958. Chapter 411 increased the fees provided in subparagraph 2 of paragraph C of subsection I by striking out the former provisions as to fees for motor vehicles of not over seven persons seating capacity and additional fees for motor vehicles of over seven persons seating capacity and making such fees “double the registration fees provided in paragraph A”, and made other minor changes in such paragraph. (Section 2 of chapter 330 also amended subparagraph 2 of paragraph C of subsection I of this section, but such section of chapter 330 was repealed by chapter 411, section 2.)

As the rest of the section was not changed by the amendments, only paragraph A, subparagraph 2 of paragraph C and paragraphs D and F of subsection I, the last paragraph of subsection II and subsections III and V-A are set out.

**Sec. 18. 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; special plates.**—The secretary of state shall furnish suitable number plates, seals and other distinguishing marks, without charge, to every person except dealers, manufacturers

and holders of transit registration plates 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 motorcycle 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 for any temporary or other special classes of registration and for use on motorcycles, trucks, trailers, tractors and side-cars which are required to be registered under the provisions of this chapter.

The secretary of state may select and issue a special distinguishing letter, mark or design for a number plate issued to manufacturers, dealers and holders of a transit registration certificate. Such plate may be attached to the rear of the motor vehicle and shall be always plainly visible.

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 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 75¢ 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 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.

The secretary of state shall, upon application therefor by Maine members of the United States senate, Maine members of the United States house of representatives, members of the executive council, members of the legislature, president of the senate, speaker of the house, secretary of the senate and the clerk of the house, issue 1 pair of specially designed number plates and a certificate of registration for 1 designated motor vehicle owned or controlled by each of the officials named herein. The color, shape, size, lettering and numbering of such special plates shall be determined by the secretary of state, except that plates issued to members of the legislature, other than the president of the senate and speaker of the house, shall bear the number of the seat assigned to such member. Plates issued to members of the executive council shall bear a numeral designating the councillor district they represent. Such plates shall be issued for and attached to only such motor vehicle as is currently registered in accordance with the provisions of sections 13, 26 or 26-A. Such special plates may be displayed in lieu of the regular number plates issued for such vehicles. A fee of \$2 shall be paid to the secretary of state upon application. Such special number plates shall be valid only during the term of office for which the registrant is elected. In case the office is for any cause vacated during said term, such special number plates and registration certificate shall be immediately surrendered to the secretary of state. (R. S. c. 19, § 17. 1947, c. 108. 1951, c. 248. 1955, c. 60; c. 200, §§ 2, 3. 1957, c. 119.)

**Effect of amendments.**—The first 1955 amendment inserted the words “Maine members of the United States senate, Maine members of the United States house of representatives” in the first sentence of the last paragraph. The second 1955 amendment excepted dealers, manufacturers and holders of transit registration plates from the application of the first

paragraph and inserted the second paragraph. Section 13 of the second amendatory act provided that it should become effective for the year 1956.

The 1957 amendment extended the reference in the fourth sentence of the last paragraph to include sections 26 and 26-A.

**Sec. 19. Fees for trucks.**—With each application for registration of a motor truck shall be paid an annual registration fee graduated as follows when equipped with pneumatic tires:

From 0 pounds gross weight to 6,000 pounds gross weight	.....	\$ 16
From 6,001 pounds gross weight to 9,000 pounds gross weight	.....	\$ 21
From 9,001 pounds gross weight to 11,000 pounds gross weight	.....	\$ 37
From 11,001 pounds gross weight to 14,000 pounds gross weight	.....	\$ 64
From 14,001 pounds gross weight to 16,000 pounds gross weight	.....	\$ 86
From 16,001 pounds gross weight to 18,000 pounds gross weight	.....	\$107
From 18,001 pounds gross weight to 20,000 pounds gross weight	.....	\$134
From 20,001 pounds gross weight to 23,000 pounds gross weight	.....	\$161
From 23,001 pounds gross weight to 26,000 pounds gross weight	.....	\$187
From 26,001 pounds gross weight to 29,000 pounds gross weight	.....	\$214
From 29,001 pounds gross weight to 32,000 pounds gross weight	.....	\$241
From 32,001 pounds gross weight to 35,000 pounds gross weight	.....	\$268
From 35,001 pounds gross weight to 38,000 pounds gross weight	.....	\$294

From 38,001 pounds gross weight to 42,000 pounds gross weight	.....	\$321
From 42,001 pounds gross weight to 46,000 pounds gross weight	.....	\$348
From 46,001 pounds gross weight to 50,000 pounds gross weight	.....	\$375
From 50,001 pounds gross weight to 55,000 pounds gross weight	.....	\$415
From 55,001 pounds gross weight to 60,000 pounds gross weight	.....	\$455

The annual fee for registration of farm motor trucks, having 2 axles only, when such trucks are used primarily for transportation of agricultural commodities, supplies or equipment to be used in connection with the operation of a farm or farms owned, operated or occupied by the registrant, shall be as follows:

From 9,001 pounds gross weight to 11,000 pounds gross weight	.....	\$21
From 11,001 pounds gross weight to 14,000 pounds gross weight	.....	\$32
From 14,001 pounds gross weight to 16,000 pounds gross weight	.....	\$43
From 16,001 pounds gross weight to 18,000 pounds gross weight	.....	\$64

Trucks which are used on a substantially daily delivery schedule on established routes are not included as "farm trucks." The term "agricultural commodities" shall include logs, lumber and pulp wood cut on a farm or farms owned, operated or occupied by the registrant. Farm motor trucks registered under this section may receive a short-term permit in accordance with the provisions of this section by paying a percentage of the difference between the amount paid for farm motor truck registration and the annual fee for the desired tonnage in accordance with the permit table contained in this section. Farm trucks so registered shall be operated on the public highways only within a radius of 65 miles from the main entrance of the farm where such vehicle is customarily kept. Farm trucks so registered shall have the name of the town in which the excise tax has been paid printed in letters not less than 4 inches in height on the door on the left side of the cab of the truck. The secretary of state shall issue a registration plate or plates so designed that a farm motor truck registered under this section may be distinguished from commercial vehicles otherwise registered under the provisions of this section.

Any person fraudulently obtaining a farm truck license shall be fined upon conviction \$50. Any person using a truck with a license plate marked for any purposes other than those authorized by this section shall be fined not less than \$100 nor more than \$500.

(1955, c. 383, § 1. 1957, c. 330, §§ 4, 5; c. 363, § 1; c. 408; c. 411, §§ 3, 4.)

**Effect of amendments.** — The 1955 amendment inserted a new paragraph as the second paragraph of this section.

This section was amended by four acts of the 1957 legislature. Chapter 330, section 4, increased the fees in the first paragraph. By section 7 of such amendatory act the increase in fees made by such act was made effective for the calendar year 1958. Chapter 363 inserted the last two items of the first paragraph. By section 2 of such amendatory act the registration fees provided by such act were made effective for the calendar year 1958.

Chapter 408 and also chapter 411, § 4, rewrote the second paragraph which was inserted in 1955, and chapter 408 inserted the third paragraph appearing above as the third paragraph of this section. Both of these amendments have been given effect in the section as set out above.

(Chapter 330, § 5, also amended the second paragraph of this section, but such section of chapter 330 was repealed by chapter 411, section 3.)

As the last three paragraphs of the original were not changed by the amendments, they are not set out.

**Sec. 23. Compensation and expenses of board.**—Each member of the board shall receive \$15 per day for each day on which the board meets and his necessary expenses incurred in the discharge of his duties. All requisitions for the payment of money shall be signed by the chairman and secretary of the board. Said expenses shall be paid out of the general highway fund. (1953, c. 70, § 2. 1957, c. 118.)

**Effect of amendment.**—Prior to the 1957 amendment the members of the board served without compensation but received their necessary expenses.

**Sec. 25. Duties and powers.**—It shall be the duty of the board to examine all applications for motor vehicle dealer or transit registration plates presented to the secretary of state and, in accordance with the provisions of this chapter, order the secretary of state to issue or to refuse to issue such motor vehicle dealer or transit registration plates. The board is further empowered to order the secretary of state to suspend or revoke, in accordance with the provisions of this chapter, any motor vehicle dealer or transit registration plates already issued. (1953, c. 70, § 2. 1957, c. 76, § 1.)

**Effect of amendment.** — The 1957 amendment added the words “or transit” at three places in this section and made the section applicable to the entire chapter instead of to “sections 21 to 29, inclusive”, as formerly appeared.

**Sec. 26. Dealer registration plates; application; fees.**—Every manufacturer or dealer in new or used motor vehicles may, instead of registering each motor 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 shall forthwith present said application to the board. The board, if satisfied that the applicant maintains a permanent place of business in the state where said applicant will be principally engaged in the business of buying and selling of motor vehicles, and is also satisfied with the other facts stated in the application, shall order the secretary of state to issue a certificate of registration. Such certificate of registration shall contain the name, place of residence and business 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. To be eligible for the renewal of such motor vehicle dealer registration plates, the applicant must maintain in said state a permanent place of business where said applicant is principally engaged in the business of buying and selling motor vehicles. The annual fee for every such certificate of registration shall be \$65. The secretary of state shall furnish the applicant with 4 registration number plates free of cost, and there may be issued to any such applicant 2 similar plates, in addition to the 4 plates so issued, upon payment of \$10 for each such additional plate. Upon payment of \$5 per plate, additional plates shall be furnished; the number of any additional plates to be issued shall be determined by the board. Extra registration plates shall be furnished to replace lost or mutilated plates for 75¢ each. On applications for registration, or for additional plates applied for during the period between the 1st day of September and 31st day of December in any year, ½ of the registration fee shall be charged. (R. S. c. 19, § 19. 1949, c. 222. 1953, c. 70, § 2. 1955, c. 200, § 4. 1957, c. 76, §§ 2, 3.)

**Effect of amendments.** — The 1955 amendment deleted the former next to last sentence, which provided that “single plates shall be furnished for trailers.” The amendment also deleted, in the seventh sentence the words “pairs of” when referring to registration plates and substituted “plates” and “plate” for “pairs” and “pair,” respectively. Section 13 of such amendatory act provides that it shall be-

come effective for the year 1956.

The 1957 amendment deleted the words “or trailers”, which formerly appeared following the words “motor vehicles” in the first sentence, added the provision in the eighth sentence relative to number of additional plates, and made other minor changes in the seventh and eighth sentences.

**Sec. 26-A. Transit registration plates; application; fees.** — Finance companies, heavy equipment dealers, farm machinery dealers, trailer dealers, semi-trailer dealers, dealers in mobile homes, junk dealers and service stations may make application to the motor vehicle dealer registration board upon a blank provided for the purpose for a registration certificate and plate, for the purpose of movement on highways of such vehicles owned or controlled by them. Such

enumeration shall be deemed a partial enumeration and shall not operate to exclude other such businesses which are within the general terms of this section.

The board may at its discretion issue transit registration plates on a temporary basis to persons other than dealers for the purpose of the movement of new motor vehicles, trailers or semi-trailers from the point of manufacture or delivery outside the state to points within the state.

Transit plates shall be issued for the uses provided by this section for a fee of \$25 each for the first 3 plates and \$10 for each additional plate. The number of such plates to be issued shall be determined by the board. (1955, c. 200, § 5. 1957, c. 76, § 4.)

**Effect of amendment.** — The 1957 paragraph, added the last sentence of the amendment made this section applicable also to semitrailer dealers and dealers in mobile homes. It also inserted the second third paragraph, and made other minor changes.

**Sec. 26-B. Limitation.**—No person under the age of 21 years shall be issued a dealer or transit registration certificate. (1957, c. 76, § 5.)

**Sec. 26-C. Insurance.**—The secretary of state shall not issue such registration until the applicant shall have procured and filed with the secretary of state a certificate showing that the applicant is covered by a standard automobile garage liability policy, approved by the insurance commissioner, insuring against any legal liability in accordance with the terms of said policy for personal injury or death of any one person in the sum of \$10,000 and for any number of persons in the sum of \$20,000 and against property damage in the sum of \$5,000, which injury, death or damage may result from or have been caused by the operation of any motor vehicle bearing the registration of such dealer or such holder of a transit registration certificate. In lieu of such insurance, the applicant may file with said secretary of state a bond or bonds issued by a surety company authorized to do business in the state in the amount of at least \$10,000 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, of at least \$20,000 on account of any one accident resulting in injury to or death of more than one person, and of at least \$5,000 for damage to property of others.

The secretary of state shall suspend, without hearing, such registration within 10 days of receipt of written notice from the company that the insurance policy or bond herein required has been canceled. He shall likewise suspend said registration upon the expiration of the policy and shall not restore same until new certification of coverage is filed by the company. (1957, c. 76, § 5-A.)

**Sec. 27. Denial, suspension or revocation of plates.**—When the board, after examining an application for dealer or transit registration plates, decides to order the secretary of state not to issue same, it shall notify said applicant in writing of its decision and of a time and place for hearing when said applicant may appear and show cause why such dealer or transit registration plates should not be denied. The board may review any dealer or transit registration granted and, after hearing as provided for in this section, may order the secretary of state to suspend or revoke any such dealer or transit registration plates for any of the following reasons:

- I. On proof that dealer or holder of a transit registration certificate no longer maintains a permanent place of business for buying and selling motor vehicles. (1957, c. 76, § 6.)
- II. On proof that dealer is no longer principally engaged in the business of buying and selling motor vehicles.
- III. On proof that dealer or holder of a transit registration certificate has failed to keep and submit any records provided for by law. (1955, c. 200, § 6.)

**IV.** On proof that dealer or holder of a transit registration certificate has been convicted of a violation of any of the provisions of this chapter. (1955, c. 200, § 6. 1957, c. 76, § 7.)

**V.** On proof that dealer or manufacturer or holder of a transit registration plate has used or permitted the use of his dealer or transit registration plate on a motor vehicle not owned by the dealer or the holder of a transit registration plate or has issued or permitted the issuance of his temporary plate for use on motor vehicles not sold by the dealer, manufacturer or holder of a transit registration plate. The use of any such plate on any vehicle shall be prima facie evidence that such use was permitted by the dealer or transit plate holder. (1955, c. 205, § 1.)

No dealer or transit registration plates shall be suspended or revoked except after hearing by the board. The board shall notify the dealer or holder of a transit registration certificate of its intention to order the secretary of state to suspend or revoke said dealer or transit registration plates in writing and give at least 7 days' notice of the time and place for hearing thereon, at which time said dealer or holder of a transit registration certificate may appear and show cause why such dealer or transit registration plates should not be suspended or revoked. The board may request the assistance of the attorney general or his authorized representative to assist in conducting any hearing.

The state police are authorized to investigate the use of dealer or transit registration plates and shall report their findings from time to time to the dealer registration board. (1953, c. 70, § 2; 1955, c. 200, § 6; c. 205, §§ 1, 2. 1957, c. 76, §§ 6, 7.)

**Effect of amendments.**—The first 1955 amendment inserted the words "or transit" at four places in the first paragraph and at three places in the next to last paragraph. It also inserted the words "or holder of a transit registration certificate" in subsections III and IV and at two places in the next to the last paragraph. Section 13 of first amendatory act provides that it shall become effective for the

year 1956. The second 1955 amendment inserted subsection V and added the last paragraph of the section.

The 1957 amendment inserted "or holder of a transit registration certificate" in subsection I, and made subsection IV applicable to the entire chapter instead of to "sections 21 to 29, inclusive", as formerly appeared.

**Sec. 28. Appeal from board's decision to deny, suspend or revoke dealer or transit registration plates.**—Any dealer or holder of a transit registration certificate whose application for motor vehicle dealer or transit registration plates has been denied by the secretary of state by order of the board, or whose dealer or transit registration plates have been suspended or revoked by the secretary of state by order of the board, may, within 30 days thereafter, secure judicial review by presenting a petition addressed to any justice of the superior court, in term time or vacation, stating therein the grounds upon which a review is sought. Such justice shall fix a time and place for hearing, which may be in vacation, and cause notice thereof to be given to the board; and after hearing, such justice may affirm, modify or reverse the decision of the board and the decision of such justice shall be final. Pending judgment of the court, such motor vehicle dealer or transit registration plates shall remain in full force and effect. (1953, c. 70, § 2. 1955, c. 200, § 7.)

**Effect of amendment.**—The 1955 amendment made this section applicable to transit registration plates and to holders

of transit registration certificates. Section 13 of the amendatory act provides that it shall become effective for the year 1956.

**Sec. 29. Motor vehicle dealer or transit registration plates; limitation of use.**—

**I.** No motor truck, tractor or trailer registered under the provisions of sections 21 to 29, inclusive, shall be used for other than demonstration, service or emergency purposes. Provided, however, that when trucks, tractors or trail-

ers bearing dealer or transit registration plates are used for service purposes, such use shall be limited to the transportation of articles and materials directly connected with the purchase and sale of motor vehicles and the maintenance of the properties connected and used with such business. (1955, c. 200, § 8.)

**II.** A vehicle loaned by a dealer or the holder of a transit registration certificate to a customer for demonstration or emergency purposes may be operated on the registration plates of the dealer or holder of a transit registration certificate for not more than 7 consecutive days. (1955, c. 200, § 8.)

**III.** A dealer, to demonstrate a loaded truck bearing dealer or transit registration plates, must first obtain a written permit from the secretary of state and either the dealer or one of his employees must accompany the vehicle. (1955, c. 200, § 8.)

**IV.** Whenever a manufacturer or dealer or holder of a transit registration certificate 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 secondhand car, a description of the vehicle, name of maker, motor and serial number and the name and address of the vendee. [1955, c. 200, § 8. 1957, c. 76, § 7-A]. (R. S. c. 19, § 19. 1947, c. 123. 1949, c. 41, §§ 1, 2; c. 222. 1951, c. 235, §§ 4, 5. 1953, c. 70, § 2. 1955, c. 200, § 8. 1957, c. 76, §§ 7-A, 7-B.)

**Effect of amendments.** — The 1955 amendment made this section applicable to transit registration plates and to holders of transit registration certificates. Section 13 of the amendatory act provides that it shall become effective for the year 1956.

The 1957 amendment repealed the former last two sentences of subsection IV and all of former subsection V, which provisions related to liability insurance or bond.

**Sec. 30-A. Boat trailer dealer's registration; fee.**—Every manufacturer or dealer in boat trailers shall annually pay a fee of \$10 for a registration certificate to handle, demonstrate, sell and exchange boat trailers. (1957, c. 337, § 1.)

**Sec. 31. Registration fee for manufacturer, dealer or holder of transit registration certificate to be paid before January 1.**—Every manufacturer or dealer in new or used motor vehicles or trailers or holder of a transit registration certificate 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 or holder of a transit registration certificate 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 secondhand 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 secondhand motor vehicles. (R. S. c. 19, § 21. 1955, c. 200, § 9.)

**Effect of amendment.**—The 1955 amendment inserted at two places in the first sentence the words "or holder of a transit

registration certificate." Section 13 of the amendatory act provides that it shall become effective for the year 1956.

**Sec. 31-A. Temporary number plates; notification; cost.** — A manufacturer or dealer or holder of a transit registration certificate may, upon the sale or exchange of a motor vehicle, attach to such motor vehicle a temporary registration plate, and the purchaser of such motor vehicle may operate the same for



a period not to exceed 10 consecutive days thereafter without payment of a regular fee. A temporary registration plate may not be used on a loaded truck without a written permit from the secretary of state.

A manufacturer or dealer or holder of a transit registration certificate shall, upon attaching a temporary registration plate 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 markings required by this paragraph to be placed on a temporary registration plate shall be made not less than one inch in height, with indelible or waterproof ink.

The secretary of state may issue temporary registration plates to bona fide dealers or holders of transit registration certificates who request them under such rules and regulations as he shall deem necessary, and shall receive for them 50¢ per plate. (1957, c. 76, § 8.)

**Sec. 36. Truck, tractor, trailer or semi-trailer, with a gross weight greater than that specified on registration certificate not to be operated on highway.**—No person shall operate, or cause to be operated, any truck, tractor, trailer or combination of truck tractor and semi-trailer, with a gross weight that is more than 10% above that specified in the registration certificate for such vehicle for trucks of gross weight of not over 15,000 pounds and 5% for trucks of gross weight of over 15,000 pounds; provided, however, that no motor vehicle of either a single unit or combined unit shall be operated on the highway with a gross weight that exceeds 60,000 pounds.

Any penalty for the violation of this section may be imposed on either the operator or whoever causes said operation, or may be imposed on both, except that those operators employed by carriers holding permits or certificates from the Maine public utilities commission, who have not participated in loading the vehicle, shall not be subject to penalty. The operation of the vehicle shall be prima facie evidence that said operation was caused by the person, firm or corporation holding the permit or certificate for said vehicle from the public utilities commission.

Each carrier holding a permit or certificate from the public utilities commission shall file with said commission and the Maine state police in writing an appointment of a resident of this State to be its true and lawful agent, representative or attorney upon whom all lawful processes regarding any violation of this section may be served, and who may be required to appear in court on behalf of the carrier with the same legal force and validity as if the carrier were itself in court with regard to said violation. The written assent of such resident agent, representative or attorney shall be filed with said commission and the Maine state police.

Should such carrier fail to file any appointment of a resident agent, representative or attorney as required aforesaid, the public utilities commission shall refuse to issue the permit or certificate or any renewal thereof held by such carrier until such time as the carrier shall file an appointment of resident agent, representative or attorney in compliance with the provisions of this section.

If any such carrier holding a permit or certificate from the public utilities commission has been required to appear in any court, through its appointed lawful agent or attorney, under the provisions of this section in regard to a violation of this section, and shall fail to comply with and satisfy any penalty imposed by the court for a violation of this section, the court shall so notify the public utilities commission, which shall immediately suspend the permit or certificate from the public utilities commission held by such carrier, until such time as the carrier shall have satisfied the said penalty (R. S. c. 19, § 27. 1947, c. 352, § 6. 1949, c. 349, § 22. 1953, c. 309, § 1. 1955, cc. 18, 149. 1957, c. 309, § 3.)

**Effect of amendments.**—The first 1955 lines two and seven of the first paragraph amendment changed the word "load" in to "gross weight," and deleted the

words "gross weight of vehicle and load" formerly appearing at the end of the first paragraph. The second 1955 amendment substituted "said commission" for "the secretary of state" in the third paragraph, and added the last sentence thereto. The second amendment also deleted from the fourth paragraph the words "secretary of state shall notify the public utilities commission, which shall immediately suspend the permit or certificate from the public utilities commission" and inserted in lieu thereof the words "public utilities commission shall refuse to issue the permit or certificate or any renewal thereof."

The 1957 amendment substituted "60,000

pounds" for "50,000 pounds" at the end of the first paragraph.

The statutory phrase "causes said operation" does not have the same compulsion as suggested by the words "compel or bring about." *State v. Edgecomb*, 151 Me. 368, 120 A. (2d) 234, holding that instruction with regard to meaning of "cause" was properly denied.

**Instructions.**—For illustration of a sufficient general instruction in prosecution for violation of this section and also illustrations of instructions properly denied, see *State v. Edgecomb*, 151 Me. 368, 120 A. (2d) 284.

**Sec. 37. Temporary number plates; notification; cost.**—A manufacturer or dealer or holder of a transit registration certificate or boat trailer registration certificate may, upon the sale or exchange of a motor vehicle or boat trailer, attach to such motor vehicle or boat trailer a temporary registration plate, and the purchaser of such motor vehicle or boat trailer may operate the same for a period not to exceed 10 consecutive days thereafter without payment of a regular fee. A temporary registration plate may not be used on a loaded truck without a written permit from the secretary of state.

A manufacturer or dealer or holder of a transit registration certificate or boat trailer registration certificate shall, upon attaching a temporary registration plate to a motor vehicle or boat trailer 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 markings required by this paragraph to be placed on a temporary registration plate shall be made not less than one inch in height, with indelible or waterproof ink.

The secretary of state may issue temporary registration plates to bona fide dealers or holders of transit registration certificates or boat trailer registration certificates who request them under such rules and regulations as he shall deem necessary, and shall receive for them 50¢ per plate. (R. S. c. 19, § 28. 1951, c. 235, §§ 6, 7. 1955, c. 200, § 10. 1957, c. 76, § 9; c. 337, § 2.)

**Effect of amendments.** — The 1955 amendment made this section applicable to holders of transit registration certificates, and substituted "10" for "7" in the first paragraph. It also substituted in the first and second paragraphs the words "a temporary registration plate" for the words "a set of temporary number plates," and made other similar changes

throughout the section. Section 13 of the amendatory act provides that it shall become effective for the year 1956.

The first 1957 amendment repealed this section. However the second 1957 amendment reinstated the former section and inserted all of the provisions relating to "boat trailers" therein.

**Sec. 40. Rules and regulations concerning lights and brakes; sale and use of certain lighting devices forbidden.**

No person shall equip his vehicle with, use or sell, any lens, muffler, 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. (R. S. c. 19, § 31. 1957, c. 308, § 3.)

**Effect of amendment.** — The 1957 amendment inserted the word "muffler" in the second paragraph. As the first paragraph was not changed by the amendment, it is not set out.

**Sec. 41. Adequate brakes; signaling device; unnecessary noise to be avoided; bell or siren forbidden, exception.**—Every motor vehicle and every motor driven cycle 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 signaling. Every such motor vehicle shall have brakes adjusted so as to stop 2-wheel brake vehicles at a speed of 20 miles per hour within a distance of 45 feet and 4-wheel brake vehicles within 30 feet and, in addition thereto, shall have a hand brake sufficient to hold the vehicle while out of gear on a 10% grade. No signaling 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, and vehicles operated by state, city and town fire inspectors, city and town fire chiefs, assistant fire chiefs, police chiefs and assistant police chiefs may be so equipped for use only when responding to emergency calls, and such motor vehicles used by sheriffs and deputy sheriffs, and such motor vehicles used by inland fisheries and game wardens as may be designated by the department of inland fisheries and game and such motor vehicles used by coastal wardens as may be designated by the department of sea and shore fisheries, and such motor vehicles used by United States government law enforcement officials, and such motor vehicles used by a state or municipal department which controls or supervises electrical alarm and communication systems. 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. (R. S. c. 19, § 32. 1947, c. 34. 1949, c. 38, § 2; cc. 42, 130, 231. 1951, c. 20; c. 235, § 10; c. 266, § 15. 1953, c. 308, § 17. 1955, c. 197.)

**Effect of amendment.**—The 1955 amendment inserted “assistant fire chiefs, police chiefs and assistant police chiefs,” and “sheriffs,” in the third sentence, and added

the latter part of the third sentence, beginning with the words “and such motor vehicles.”

**Sec. 43. Lights conforming to rules; lighted during certain periods; specifications; fire trucks excepted.**—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.

Every headlamp, upon every motor vehicle, including every motorcycle and motor driven cycle, shall be located at a height measured from the center of the headlamp of not more than 54 inches nor less than 22 inches above the level surface upon which said vehicle stands. Headlamps on snow plows may be located at a height greater than 54 inches above said level surface. All such headlamps shall be equipped with lenses or reflectors that emit only a white beam of light. 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 ½ hour after sunset to ½ hour before sunrise; except as provided in section 141.

Every motor vehicle and tractor on wheels, other than a motorcycle or motor driven cycle, shall have mounted on the front thereof at least 2 headlamps with at least one on each side. Every motorcycle and every motor driven cycle shall have mounted on the front thereof one 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 such motor vehicle, motor driven cycle, tractor and trailer shall have on the rear thereof, in the center or 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, motor driven cycle, 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, trailers and semi-trailers 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, trailer and semi-trailer 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, trailers and semi-trailers 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, motor driven cycle 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 section shall not apply to unregistered farm tractors.

All lights, reflectors and signal lamps required by law to be displayed on the rear of all motor vehicles, trailers and semi-trailers of 7 feet or over in width shall be at least within 12 inches of the extreme extension of the rear of such vehicle. (R. S. c. 19, § 34, 1949, c. 38, §§ 3-6; c. 104, § 9, 1951, c. 235, §§ 11-14; c. 310, 1955, c. 56, § 1, 1957, c. 308, §§ 4, 4-A, 4-B; c. 314.)

**Effect of amendments.** — The 1955 fire fighting vehicles from the application amendment repealed the former last paragraph, which excepted certain police and of the provisions of this chapter governing equipment or use of front lights.

The first 1957 amendment substituted "22 inches" for "26 inches" in the first sentence of the second paragraph and made a former proviso of such sentence into a separate sentence, rewrote and replaced the former first sentence of the

third paragraph with the present first two sentences of such paragraph, and added the next to the last paragraph. The second 1957 amendment added the last paragraph of the section.

**Sec. 44. Snow removal or sanding equipment.**—All trucks, graders and other vehicles, while being used for the express purpose of plowing snow or sanding on public ways, unless the 6-inch diameter lights hereinafter described are not available in the markets of this state, shall be equipped with 2 auxiliary lights to be mounted on the highest practical point on the vehicle, one showing to the front and one to the rear of the vehicle. The light showing to the front shall be a blue or amber light and at least 6 inches in diameter. The light showing to the rear shall be a red light at least 6 inches in diameter. These 2 lights shall be equipped with blinker attachments. When the left wing of the plow is in operation and extends over the center of the road, an auxiliary light shall show the extreme end of said left wing. This light may be attached to the vehicle with the beam of light pointed at the left wing. These lights may be controlled by a separate switch or may be controlled by the regular lighting system and shall be in operation whenever the trucks, graders and other vehicles are used for plowing snow and sanding on public ways in either the nighttime or daytime. The use of these auxiliary lights shall not relieve the owner or operator from conforming to the provisions of section 43. (1945, c. 335 1949, c. 39; c. 349, § 23. 1955, c. 332.)

**Effect of amendment.**—The 1955 amendment inserted the words "or amber" in the second sentence and rewrote the next to the last sentence.

**Sec. 45. Inspection of motor vehicles; stickers.**—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 2 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. Notwithstanding the requirement that all registered motor vehicles be inspected in April and October of each year, it shall be unlawful, except as hereinafter provided, for any person to operate a motor vehicle on the highways of this state unless said motor vehicle has been inspected and bears a certificate as provided in this section.

Each official inspection station shall stock a sufficient number of stickers to meet their demands at all times. These shall be furnished by the office of the secretary of state at 5¢ each. Stickers furnished for the April inspection period shall be used during the succeeding months through September of the same calendar year and shall be of a different color and design than those furnished for the October inspection period and succeeding months through March of the following year. Stickers on hand at the beginning of a new inspection period, or at the end of the calendar year if the license is not renewed or if the license is suspended, 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 nor to new or used motor vehicles being driven by a dealer or holder of a transit registration certificate or their authorized representative from the point of distribution to his place of business. Said inspection shall not apply to motorcycles.

No dealer or holder of a transit registration certificate in new or used motor vehicles shall permit any such vehicle owned or controlled by him to be released for operation upon the highways until it has been inspected and a proper sticker certifying such inspection placed thereon. If such vehicle bears thereon a certificate showing a prior inspection, the same shall be removed.

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

The provisions of this section shall not apply to farm tractors which are manufactured as such. (R. S. c. 19, § 35. 1947, c. 63. 1951, c. 235, §§ 15, 16. 1953, c. 9. 1955, c. 384. 1957, c. 76, § 10; c. 128.)

**Effect of amendments.**—The 1955 amendment rewrote this section.

The first 1957 amendment inserted the words "or used" following the word "new" in the fourth paragraph, and made

both the fourth and fifth paragraphs applicable to holders of transit registration certificates. The second 1957 amendment added the last sentence of the fourth paragraph.

### School Buses.

**Sec. 48. "School Bus" defined; description sign to be attached; standards; buses to stop before crossing railroad track.**—The term "school bus" includes every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or to or from any school activities at a school regularly attended by such children, or privately owned and operated for compensation for the transportation of children to or from school, or to or from any school activities at a school regularly attended by such children. Buses operated by a motor carrier having a certificate of public convenience and necessity issued by the public utilities commission under the provisions of sections 1 to 18, inclusive, of chapter 48, which comply with the requirements of the commission, within a city in which such carrier is so authorized to operate, shall not be regarded as "school buses."

All school buses shall bear upon the front and rear thereof a plainly visible sign "School Bus" in letters not less than 8 inches in height which shall be removed or covered when the vehicle is not in use as a school bus. This provision shall not apply to public buses while transporting school children together with regular passengers. Such standard "descriptive signs" shall be furnished at cost by the department of education.

(1955, c. 85, § 1; c. 132. 1957, c. 244; c. 397, § 16.)

**Effect of amendments.**—The first 1955 amendment inserted the words "or to or from any school activities at a school regularly attended by such children" in two places in the first sentence of the first paragraph, and substituted "shall" for "can" where it first appears preceding the words "be removed or covered" in the second paragraph. The second 1955 amendment substituted "8 inches" for "4 inches" in the first clause of the second paragraph.

The first 1957 amendment rewrote the second paragraph to read as follows: "All school buses with a carrying capacity of over 20 passengers shall bear upon the front and rear thereof a plainly visible sign 'School Bus' in letters not less than 8 inches in height which shall be removed or covered when the vehicle is not in use

as a school bus, and all school buses with a carrying capacity of 20 passengers or less shall bear upon the front and rear thereof a plainly visible sign 'School Bus' in letters not less than 4 inches in height which shall be removed or covered when the vehicle is not in use as a school bus, but these provisions shall not apply to public buses while transporting school children together with regular passengers. Such standard 'descriptive signs' shall be furnished at cost by the department of education." The second 1957 amendment, which did not give effect to the first 1957 amendment, amended said second paragraph to read as set out in this supplement.

As the rest of the section was not changed by the amendments, only the first and second paragraphs are set out.

**Taxation of Motor Vehicles. Aircraft.**

**Sec. 49. Annual excise tax; exemptions.**—An excise shall be levied annually 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 56, as follows: a sum equal to 23 mills on each dollar of the maker's list price for the first 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. 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. Persons registering under the provisions of section 67, the state and political subdivisions thereof, municipalities registering motor vehicles for use in driver education in the secondary schools, volunteer fire departments, 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, holders of transit registration certificates, telephone and telegraph companies subject to the excise tax set forth in sections 125 to 132, inclusive, of chapter 16, express companies subject to the excise tax as set forth in sections 133 to 136, inclusive, of chapter 16, 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 113 to 124, inclusive, of chapter 16, excepting motor buses used exclusively for the transportation of passengers for hire, shall not be subject to the excise. In all cases where the excise tax amounts to less than \$5, a minimum tax of \$5 shall be levied, except that for a bicycle with motor attached the excise tax shall be \$2.50. In respect to noncommercial vehicles 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.

(1955, c. 100, § 2; c. 200, § 11. 1957, c. 306; c. 397, § 17.)

**Effect of amendments.**—The first 1955 amendment inserted the words "municipalities registering motor vehicles for use in driver education in the secondary schools" near the middle of the first paragraph. The second 1955 amendment inserted the words "holders of transit registration certificates."

The first 1957 amendment made the former first paragraph into five sentences, deleted "excepting however, motor buses used exclusively for the transportation of passengers for hire" from the latter part of the present third sentence and added the following sentence at the end of such paragraph: "All buses used for the transportation of passengers for hire in interstate or intrastate commerce, or both, by

carriers granted certificates of public convenience and necessity, or permits, by the Maine public utilities commission, may be subject to the excise tax provided in this section at the option of the appropriate municipality."

However, the second 1957 amendment reenacted the first paragraph but did not incorporate the changes or additions relative to "motor buses" of the first 1957 amendment quoted above. Said paragraph is set out in this supplement as reenacted by the last 1957 amendment.

As the last three paragraphs were not changed by the amendments, they are not set out.

**Cited in** York Beach Village Corp. v. York, 150 Me. 1, 103 A. (2d) 786.

**Sec. 51-A. Annual excise tax on house trailers.**—An excise tax shall be levied annually as herein provided with respect to each calendar year for the privilege of operating a house trailer upon the public ways. This excise tax shall be levied as follows: a sum equal to 20 mills on each dollar of the maker's list price for the 1st or current year of model, 16 mills for the 2nd year, 12 mills for the 3rd year, 10 mills for the 4th year, 8 mills for the 5th year, 6 mills for the 6th year, and 4 mills for the 7th and succeeding years; provided, however, that whenever an excise tax has been paid for the previous calendar year on the same trailer the excise tax for the new calendar year shall be assessed as if the trailer was in the next year of model.

The excise tax herein provided for shall be paid in the place where the trailer is located, if paid prior to April 1; or in the place where the trailer was located on April 1 if paid on or after April 1; provided, however, that the excise tax must be paid before property taxes for the year in question are committed to the collector, otherwise the owner shall be subject to a personal property tax. In case a personal property tax is paid and later registration on a house trailer is desired, the secretary of state shall accept the personal property tax receipt in lieu of an excise tax receipt.

The excise tax herein provided shall not apply to any house trailer that is properly taxable as real estate.

Any house trailer owner who has paid the excise tax on his house trailer as provided for herein shall be exempt from further or other taxation for that year on said house trailer.

This excise tax on house trailers shall be subject to the same provisions and exemptions as apply to motor vehicles in sections 52 to 59, inclusive, which can be applied to such trailers. (1955, c. 191, § 1.)

**Sec. 52. Tax paid before registration.**—No motor vehicle or aircraft owned or controlled by a resident of this state, excepting only motor vehicles or aircraft 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 or under chapter 24 until the owner or person controlling the same has paid the excise tax as herein provided.

Every motor vehicle owned by a resident of this state shall be subject to excise tax in the municipality where the owner resides. Every nonresident 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. A foreign corporation registering a motor vehicle or any person registering aircraft in this state shall pay to the municipality of the state where said motor vehicle or aircraft is customarily kept, or if there be no such customary place of keeping, then to the state, the excise tax hereinbefore provided for; except that the excise tax on aircraft kept at a municipally owned airport shall be paid to the municipality which owns the airport. If such payment is made to the state, the secretary of state is authorized to receive the same and to give a receipt therefor, or, in the case of aircraft, the aeronautics commission is authorized to receive the same and to give a receipt therefor. (R. S. c. 19, § 40. 1951, c. 264, § 2. 1953, c. 190, § 2. 1955, c. 361.)

**Effect of amendment.**—The 1955 amendment rewrote this section.

**Sec. 53. Credit for tax may be transferred.**—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 or which is subsequently totally junked or abandoned, in the same calendar year, shall be entitled to a credit to the maximum amount of the tax previously paid in such year for any one vehicle toward the tax for such other motor vehicles, regardless of the number of transfers, 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. No portion of any excise tax once paid shall be repaid to any person by reason of the transfer of vehicles or discontinuance of the use of a vehicle. From September 1st to December 31st such credit shall not exceed  $\frac{1}{2}$  of the amount of the maximum tax. For each such transfer made in the same calendar year, the owner shall pay \$1 to the town in which the owner is now residing. (R. S. c. 19, § 41. 1947, c. 115. 1955, c. 171.)

**Effect of amendment.**—The 1955 amendment rewrote this section.



**Sec. 57. Money raised to be accounted for; how apportioned.**

Applied in *York Beach Village Corp. v. York*, 150 Me. 1, 103 A. (2d) 786.

**Sec. 58. Agent of county commissioners to make collections in unorganized places.**—The county commissioners of each county may appoint an agent to receive the excise tax and issue the receipt prescribed therefor under the provisions of section 54 to persons residing in unorganized places in each county. Such agent shall be allowed a fee of 30¢ for each tax receipt issued and shall remit the remainder promptly to the county treasurer and they shall be credited as undedicated funds for the unorganized township in which the taxpayer resides. (R. S. c. 19, § 46. 1953, c. 304. 1955, c. 338.)

**Effect of amendment.**—The 1955 amendment to allow the agent a fee of 30¢ for each tax receipt issued. ment changed the second sentence so as

**Operators' Licenses.**

**Sec. 60. Applications for operators' licenses, termination of.**—No resident of the state shall operate a motor vehicle on any way, unless licensed by the state to operate such motor vehicle. 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 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 \$3 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 or who have been duly licensed by this state and who have been, on or after December 7, 1941, members of the armed forces of the United States; 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 \$2 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 \$2. Any person who is at least 15 years of age may apply to the secretary of state for an instruction permit. The secretary of state may, in his discretion, after applicant has successfully passed all parts of an examination other than the driving tests, issue to the applicant an instruction permit which shall entitle the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the public highways for a period of 90 days when accompanied by a licensed operator who has at least 1 year of driving experience and is at least 18 years of age and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle, motor scooter or motor bike. The fee for all permits shall be \$2, which shall include cost of first examination. The fee for all subsequent examinations shall be \$2. A renewal permit may be issued for an additional 90 days for a fee of \$1. The secretary of state may, in his discretion, issue a restricted instruction permit effective for a school year or for a restricted period to an applicant who is enrolled in a driver education program which includes practice driving. Such instruction permit shall only be valid when applicant is accompanied by an instructor approved by the state department of education. Any person who has not held a Maine operator's license during one of the 3 preceding years may apply for an instruction permit. The secretary of state may, in his discretion, issue a temporary driver's permit to an applicant who has successfully passed

a complete examination, permitting applicant to operate a motor vehicle during a period not to exceed 30 days while the secretary of state is completing his investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit or temporary license shall be in applicant's immediate possession at all times while operating a motor vehicle. The secretary of state may, after a complete examination or investigation, restrict the license of any operator so as to permit the operation of a specified vehicle or vehicles, operation during the daylight hours, within a designated area, or any other restriction or condition the secretary of state may deem to be in the interest of highway safety. Any person operating a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him 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. A record of all applications for license and of all licenses and instruction permits 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. The application shall contain a space for the applicant to list his blood type if he so desires. 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.

All renewal licenses to operate a motor vehicle which expire on December 31, 1958 shall continue in full force, effect and validity, unless suspended or revoked, until the anniversary of the date of birth of the license holder next following the date of December 31, 1958. The fee for such license shall be the annual license fee provided by the first paragraph and an additional fee computed at the rate of  $\frac{1}{4}$  of such annual license fee per quarter or any fractional part thereof for the period of time such license continues in effect during the calendar year of 1959.

New licenses to operate a motor vehicle issued during the calendar year of 1958 shall continue in full force, effect and validity, unless suspended or revoked, until the anniversary of the date of birth of the license holder occurring in 1959. The fee for such license shall be computed at the rate of  $\frac{1}{4}$  of such annual license fee per quarter or any fractional part thereof for the period of time such license continues in effect.

All renewal licenses to operate motor vehicles issued after December 31, 1958 shall expire annually at midnight on the anniversary of license holder's date of birth. The fee for such license shall be computed at the rate of  $\frac{1}{4}$  of such annual license fee per quarter or any fractional part thereof.

All new licenses to operate motor vehicles issued after December 31, 1958 shall expire at midnight on the license holder's birthday next following the date of issuance of said license, or at the license holder's option, on his second birthday following the date of issuance of said license. The fee for such license shall be computed at the rate of  $\frac{1}{4}$  of such annual license fee per quarter or any fractional part thereof.

A person born on February 29th shall, for the purposes of this section, be considered as born on March 1st.

Whenever any person, after applying for or receiving an operator's license, shall move from the address named in such application or in the license issued to him; or when the name of a license holder is changed by marriage or otherwise, such person shall within 10 days thereafter notify the secretary of state, in writing, of his old and new addresses or of such former and new names and of the number of licenses then held by him.

(1955, c. 181, §§ 1, 2; c. 340; c. 405, § 49. 1957, c. 121, § 1; c. 214, §§ 1, 2; c. 330, § 6.)

**Effect of amendments.**—The first 1955 amendment inserted in the first paragraph the provisions relating to instruction permits and restricted licenses. The second 1955 amendment inserted the third from the last sentence in the first paragraph. The third 1955 amendment inserted in the third sentence the words "or who have been duly licensed by this State and who have been, on or after December 7, 1941, members of the armed forces of the United States."

This section was amended three times in 1957. Chapter 121 repealed the former second paragraph, which prohibited persons from operating motor vehicles on or after January 1st of any year unless duly licensed for such year, and inserted the last six paragraphs appearing above in lieu thereof. Chapter 214 increased the examination fee in the fifth sentence of the first paragraph from \$1 to \$2, in-

creased the duration of the instruction permit in the seventh sentence of the first paragraph from 60 to 90 days, increased the examination fees mentioned in the eighth and ninth sentences thereof from \$1 to \$2, increased the duration of a renewal permit in the tenth sentence thereof from 60 to 90 days and made a former proviso of such tenth sentence into a separate sentence. Chapter 330 rewrote the former second sentence of the first paragraph to appear as two sentences and increased the operator's license fee from \$2 to \$3 in the present third sentence. By § 7 of chapter 330, the increase in the operator's license fee is made effective for the calendar year 1958.

As the last two paragraphs of the original were not changed by the amendments, they are not set out.

**Sec. 61. Licenses issued when poll tax paid.**—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 last assessed poll tax in the town where he resided or written evidence from the taxing authority of that town that he was legally exempted therefrom or that the tax has been abated. (R. S. c. 19, § 49. 1957, c. 121, § 2.)

**Effect of amendment.**—The 1957 amendment inserted the words "last assessed" preceding the words "poll tax" and deleted a former clause which read "for the year preceding that for which the license is applied for".

**Sec. 65. Unlicensed persons not to operate motor vehicles.**—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 who holds an instruction permit, 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. (R. S. c. 19, § 53. 1955, c. 181, § 3.)

**Effect of amendment.**—The 1955 amendment inserted the reference to instruction permit.

### Reciprocity. Nonresident Privileges and Restrictions.

**Sec. 67. Nonresident vehicles and operators licensed in home state may operate; reciprocity.**

**IV.** No truck, tractor or trailer owned, leased or operated by a nonresident shall be operated under the provisions of this section in transportation of merchandise or material in intrastate commerce, nor in interstate commerce unless the point of actual receipt or delivery of any merchandise or material so transported is without the state. Except that a nonresident owned semi-trailer operated by a Maine registered power unit shall be permitted to transport merchandise or material in intrastate commerce. (1955, c. 168)

**Effect of amendment.**—The 1955 amendment added the exception clause at the end of subsection IV. As the rest of the section was not changed by the amendment, only subsection IV is set out.

### Reciprocal Agreements with New Hampshire.

**Sec. 69-A. Reciprocal agreements with New Hampshire.** — Notwithstanding any provisions of law to the contrary, the secretary of state is empowered to make agreements or arrangements with the duly authorized representatives of the state of New Hampshire providing that trucks, tractors or semi-trailers owned by residents of such bordering state and legally registered in such state may be operated in intrastate commerce in this state within a zone not to exceed 10 miles from the border of such state. Such agreements or arrangements shall provide that a resident of this state, when using the highways of said adjoining state, shall receive substantially equivalent benefits and privileges. (1957, c. 249.)

#### Service of Process on Nonresidents.

**Sec. 70. Secretary of state attorney for service on nonresident.**— 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, or the operation by such a person, by himself or his agent, of aircraft in this state, 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, or while operating aircraft in this state, 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 nonresident; 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.

The provisions of this section shall apply to any resident of the state who becomes a resident of any other state or country prior to the time when 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 a public way in this state, has been brought. (R. S. c. 19, § 59. 1955, cc. 223, 311.)

**Effect of amendments.**—The first 1955 amendment added the second paragraph. The second 1955 amendment inserted in the first sentence the words "or the operation by such a person, by himself or his agent, of aircraft in this state" and the words "or while operating aircraft in this state."

#### Financial Responsibility Law.

**Sec. 75. Definitions.**—

##### I. Terms defined.

**G.** "Motor Vehicle Liability Policy," a policy of liability insurance certi-

fied as proof of financial responsibility in accordance with section 81, and 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 \$10,000 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, of at least \$20,000 on account of any one accident resulting in injury to or death of more than one person, and of at least \$5,000 for damage to property of others, as herein provided, or a binder pending the issue of such policy. (1953. c. 96, § 1. 1955, c. 395, § 1.)

**H.** "Motor Vehicle Liability Bond," a bond certified as proof of financial responsibility in accordance with section 81, and conforming to the provisions of subsection III of section 80 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 \$5,000 on account of damage to property and at least \$10,000 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 \$20,000 on account of any one accident resulting in injury to or death of more than one person. (1953, c. 96, § 1. 1955, c. 395, § 1.)

**Effect of amendment.**—The 1955 amendment inserted the words "certified as proof financial responsibility in accordance with section 81, and" near the beginning of paragraphs G and H of subsection I. It also deleted the words "or an indorse-

ment to an existing policy, as defined in subsections I, II, IV of section 80" at the end of paragraph G of subsection I. As the rest of the section was not changed by the amendment, only paragraphs G and H of subsection I are set out.

## **Sec. 77. Reports.—**

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

**A.** Repealed by Public Laws 1955, c. 39, § 1.

**B.** Upon receipt by him of the report of an accident other than as provided for in paragraph C of this subsection, which has resulted in death, bodily injury or property damage to an apparent extent of \$100 or more, the secretary shall, 30 days following the date of request for compliance with the 2 following requirements, 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 for 3 consecutive years next following the date of filing the proof as provided under the provisions of subsection II of section 81. The secretary may waive the requirement of filing proof after 3 years from the date of the original filing thereof. [1953, c. 67, § 3. 1955, c. 39, §§ 2, 3. 1957, c. 390]. (1945, c. 134. 1949, c. 427. 1953, c. 67, § 3. 1955, c. 39, §§ 2, 3. 1957, c. 390.)

**D.** Upon receipt of notice from the secretary which contains information that an automobile liability policy was carried at the time of the accident, or that the liability of the owner or operator for damages resulting from the accident was covered by any other form of insurance or bond, the insurance carrier shall within 15 days notify the secretary in such manner as he may require in case such policy or bond was not in effect at the time of such accident. Where erroneous information with respect to the existence of insurance or other exceptions specified in this section is furnished to the secretary, he shall take appropriate action as above provided after the receipt by him of correct information with respect to such coverage or other exceptions. (1951, c. 243, § 3. 1955, c. 395, § 2)

#### **V. Limitation.**

**E.** To any person involved in an accident while operating a motor vehicle licensed by the public utilities commission of this state. (1955, c. 395, § 3)

**F.** To the owner or licensed operator of a motor vehicle, trailer or semi-trailer involved in an accident if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle, trailer or semi-trailer involved in such accident; nor to such operator, if not the owner of such motor vehicle, trailer or semi-trailer if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him; nor to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the secretary, covered by any other form of liability insurance policy or bond; provided that no such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle, trailer or semi-trailer was not registered in this state, or was a motor vehicle, trailer or semi-trailer which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney authorizing the secretary to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than \$20,000 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000 because of injury to or destruc-

tion of property of others in any one accident. (1945, c. 346. 1955, c. 395, § 3)

**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 as hereinbefore provided. 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 as hereinbefore provided. A discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of sections 75 to 82, inclusive, except that 10 years after the date thereof a discharge in bankruptcy shall relieve the judgment debtor from any of the requirements of sections 75 to 82, inclusive. (1953, c. 67, § 5. 1955, c. 243)

**Effect of amendments.**—The first 1955 amendment, which amended paragraph B of subsection II, deleted a former reference to paragraph A and inserted the word “death” near the beginning of the paragraph, and rewrote subparagraph 2. The first amendatory act also repealed paragraph A of subsection II. The second 1955 amendment added the exception clause to the last sentence of subsection VI. The third 1955 amendment inserted the words “or that the liability of the owner or operator for damages resulting from the acci-

dent was covered by any other form of insurance or bond” in the first sentence of paragraph D of subsection II and made other changes of a minor nature in the same sentence. The third amendment also rewrote paragraphs E and F of subsection V.

The 1957 amendment inserted the word “consecutive” in the first sentence and added the second sentence of subparagraph 2 of paragraph B of subsection II.

Only the paragraphs changed by the amendments are set out.

## **Sec. 80. Bonds.—**

**I. Policy form.** No motor vehicle liability policy, as defined in section 75, shall be certified as proof of financial responsibility in accordance with section 81 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 and address 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 75 to 82, inclusive. (1951, c. 243, § 6. 1955, c. 395, § 4)

**II. Required provisions.** A motor vehicle liability policy certified as proof of financial responsibility in accordance with section 81 shall be subject to the following provisions which need not be contained therein: (1955, c. 395, § 5)

**IV. Prohibition.** No motor vehicle liability policy other than that defined in

section 75 shall be certified as proof of financial responsibility in accordance with section 81 by any authorized insurance company, except that such an authorized insurance company may certify what is known as a standard automobile liability policy containing an agreement that insurance is provided in accordance with and subject to the provisions of sections 75 to 82, inclusive, which agreement has been approved by the insurance commissioner. (R. S. c. 19, § 69. 1951, c. 243, § 6. 1955, c. 395, § 6.)

**Effect of amendment.**—The 1955 amendment substituted the words “certified as proof of financial responsibility in accordance with section 81” for the words “issued or delivered in the state” near the beginning of subsection I, inserted the words “certified as proof of financial re-

sponsibility in accordance with section 81” in the opening paragraph of subsection II, and rewrote subsection IV. As the rest of the section was not changed by the amendment, only subsections I and IV and the opening paragraph of subsection II are set out.

### **Sec. 81. Proof of financial responsibility.—**

**VII. Operating without giving proof.** 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 or 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 75 to 82, 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. Where any person is required under sections 75 to 82, inclusive, to maintain proof of financial responsibility, the secretary of state may issue a restricted license to such person, authorizing the operation of any motor vehicle, trailer or semi-trailer so long as the owner thereof shall maintain proof of financial responsibility. [1951, c. 243, § 8. 1955, c. 395, § 7]. (R. S. c. 19, § 70. 1951, c. 243, §§ 7, 8. 1953, c. 96, § 3. 1955, c. 395, § 7.)

**Effect of amendment.**—The 1955 amendment substituted “or” for “of” in line 5 of subsection VII and added the second sen-

tence of subsection VII. As the rest of the section was not changed by the amendment, only subsection VII is set out.

## **Law of the Road.**

**Sec. 86. Right of way at intersecting ways and at entrances of private roads to public ways.**—All vehicles shall have the right of way over other vehicles approaching at intersecting public ways, except traffic circles or rotary intersections, 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, alley, driveway or building shall yield the right of way to all vehicles approaching on such public way and shall yield the right of way to any pedestrian approaching on said public way or sidewalk; and before crossing any sidewalk, or before entering such public way where no sidewalk shall exist, shall proceed cautiously across said sidewalk or into said public way. “Private road” as used in this section shall be construed to include a private road, a private way of any description, an alleyway or a driveway. (R. S. c. 19, § 77. 1951, c. 213. 1957, c. 153; c. 177, § 1.)

**Effect of amendments.**—The first 1957 amendment made the second sentence applicable also to alleys, driveways and buildings and inserted the provisions as to yielding right of way to pedestrians

and proceeding cautiously in such sentence. The second 1957 amendment inserted “except traffic circles or rotary intersections,” in the first sentence and substituted a comma for a semicolon pre-



ceding the second exception in such sentence.

**But he must stop if there is doubt safe crossing can be made.**

In accord with original. See *Herson v. Charlton*, 151 Me. 161, 116 A. (2d) 632.

Where defendant's car on right was

within 250 feet from intersection, plaintiff's attempt to come into intersection was in and of itself negligent and at least a contributing factor to the collision. *Herson v. Charlton*, 151 Me. 161, 116 A. (2d) 632.

**Sec. 86-A. Right of way at traffic circles or rotary intersections.—**

The driver of any vehicle, approaching but not having entered a traffic circle or rotary intersection, shall yield the right of way to a vehicle already within such traffic circle or rotary intersection, unless otherwise regulated by a police officer or by traffic control devices. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (1957, c. 177, § 2.)

**Sec. 89. Vehicles on "through ways" have right of way; stop signs.**

Any person who operates a vehicle past a "yield right of way" sign, and collides with a vehicle or pedestrian proceeding on the intersecting street shall upon conviction be guilty of a misdemeanor. (R. S. c. 19, § 79. 1949, c. 144. 1953, c. 230, § 2. 1957, c. 308, § 5.)

**Effect of amendment.**—The 1957 amendment rewrote the last paragraph of this section. As the first two paragraphs

were not changed by the amendment, they are not set out.

**Sec. 92. Police and fire department vehicles and ambulances have right of way.—**

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, from any direction, and when such vehicle is sounding a siren, 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. (R. S. c. 19, § 83. 1955, c. 21.)

**Effect of amendment.**—The 1955 amendment inserted the words "from any direction, and when such vehicle is sounding a siren," near the middle of the section, and

deleted the former second sentence, requiring a person in control of a street car to stop the car on the approach of fire apparatus.

**Sec. 95. Binding of long logs, lumber and timber.—**No motor vehicle or trailer while being used to transport a load of long logs, lumber or timber, the height of which load is greater than 8 feet, shall be operated over any way or bridge unless each such load on each such unit is bound by 3 chains and binders, or 3 wire ropes or 3 steel cables, or any combination thereof. If the height of such load is less than 8 feet, and more than 30 inches, such load shall be bound by 2 chains and binders, or 2 wire ropes or 2 steel cables, or any combination thereof. Said chains or wire ropes or steel cables shall be made of not less than  $\frac{3}{8}$  of an inch wire and said chains and binders or wire ropes or steel cables shall be held firmly in place and properly spaced to secure the load. (1953, c. 387. 1957, c. 134.)

**Effect of amendment.**—The 1957 amendment inserted all of the provisions

in this section relative to wire ropes, steel cables, and combinations thereof.

**Sec. 97. Certain vehicles not to be operated on roads and bridges without special permit.**

The provisions of this section shall apply to holders of transit registration certificates but shall not be limited thereto. (R. S. c. 19, § 87. 1945, c. 74. 1955, c. 200, § 12.)

**Effect of amendment.**—The 1955 amendment added the above paragraph at the end of this section. As the original paragraph was not changed, it is not set out

Section 13 of the amendatory act provides that it shall become effective for the year 1956.

**Sec. 98. Permits for moving heavy objects over ways and bridges; jurisdiction; permits limited.**

The commission also may grant permits, covering stated periods of time not exceeding one year and upon proper application in writing, to move under its own power pneumatic tired equipment, not exceeding the legal weight limit, over ways and bridges maintained by the commission. The fee for such permit shall be based upon a rate of \$10 for each 30-day period covered by the permit.

(1955, c. 389.)

**Effect of amendment.**—The 1955 amendment added the above paragraph to follow immediately after the first paragraph. As the rest of the section was not changed, only the paragraph added by the amendment is set out.

**Sec. 107.** Repealed by Public Laws 1957, c. 317, § 1.

**Sec. 108. Abuse of highways by commercial vehicles.**—The rights and powers of the state highway commission to exclude or restrict the weight or equipment, 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 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. (R. S. c. 19, § 99. 1957, c. 317, § 2.)

**Effect of amendment.** — The 1957 amendment deleted the words “or to regulate the speed of vehicles enumerated in section 107” which formerly appeared following the word “equipment” in line 3 and also deleted “any section of” which formerly preceded the words “this chapter” in the first clause.

**Sec. 109. Weight of commercial vehicles limited.**—No motor truck, trailer, tractor, combination of truck tractor and semi-trailer, or other commercial vehicle shall be operated, or caused to be operated, on or over any way or bridge when the gross weight, actual weight of vehicle and load, exceeds 60,000 pounds. No vehicle having 2 axles shall be so operated, or caused to be operated, when the gross weight exceeds 32,000 pounds, no vehicle having 3 axles shall be so operated, or caused to be operated, when the gross weight exceeds 50,000 pounds and no vehicle having 4 or more axles shall be so operated, or caused to be operated, when the gross weight exceeds 60,000 pounds. The operation of the vehicle shall be prima facie evidence that said operation was caused by the person, firm or corporation holding the permit or certificate for said vehicle from the public utilities commission.

Two or more axles less than 4 feet apart shall be considered as one axle and no group of axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot:

Distance in feet between the extremes of any group of axles	3 axle vehicles	Maximum load in pounds carried on any group of axles 4 or more axle vehicles with adequate brakes on the wheels of all axles
4 to 7, inclusive .....	32,000	
8 .....	32,610	
9 .....	33,580	
10 .....	34,550	
11 .....	35,510	
12 .....	36,470	
13 .....	37,420	
14 .....	38,360	45,900
15 .....	39,300	46,750
16 .....	40,230	47,600
17 .....	41,160	48,450
18 .....	42,080	49,300
19 .....	42,990	50,150
20 .....	43,900	51,000
21 .....	44,800	51,850
22 .....	45,700	52,700
23 .....	46,590	53,550
24 .....	47,470	54,400
25 .....	48,350	55,250
26 .....	49,220	56,100
27 .....	50,000	56,950
28 .....	50,000	57,800
29 .....	50,000	58,650
30 .....	50,000	59,520
31 and over .....	50,000	60,000

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 2 or more axles less than 8 feet apart shall be operated, or caused to be operated, with more than 18,000 pounds imparted to the road surface from either axle or 32,000 pounds from both axles; provided further, that no vehicle shall be so operated, or caused to be operated, when the load imparted to the road surface is greater than 600 pounds per inch width tire, manufacturer's rating; except, however, that 3-axle trucks with brakes on the wheels of all axles hauling forest products may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 18 feet, and except, further, that 3-axle trucks with brakes on the wheels of all axles hauling construction materials may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 16 feet and except that in special cases, special permits for the transportation of individual shipments in loads of 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. All trucks with 4 or more axles shall have adequate brakes on the wheels of all axles. (R. S. c. 19, § 100. 1947, c. 348, § 1. 1951, c. 235, § 22; c. 346. 1953, c. 308, § 18; c. 309, § 2; c. 415. 1957, c. 309, § 2.)

**Effect of amendment.** — The 1957 amendment rewrote this section.

**Sec. 110. Officers to weigh vehicles and require removal of excess weight; risk of loss or damage to goods so removed.**—Any police officer may require the driver of any motor vehicle described in sections 36 and 109 to

stop and submit to a weighing of the same by means of either portable or stationary scales. If such scales are not available at the place where such vehicle is stopped, the police officer may require that such vehicle be driven to the nearest public scales capable of weighing said vehicle and load if such does not increase by more than 5 miles the distance which said vehicle may reasonably travel to reach its destination.

(1955, c. 14.)

**Effect of amendment.**—The 1955 amendment inserted in the first paragraph the reference to § 36. As the second paragraph was not changed, it is not set out.

**Sec. 111. Weight violations.**—Any person who violates any provision of section 109 shall be guilty of a misdemeanor on account of each such violation, and for each violation of which convicted shall be punished by a fine and, except before trial justice and municipal courts, costs of court which fine and costs of court shall not be suspended.

Trial justice and municipal courts shall, instead of sentencing a respondent to pay costs, impose a fine upon each conviction \$10 larger than hereinafter provided in this section. Five dollars of any such fine collected shall be retained by the county and the balance paid by the county to the state highway commission. The following fines and costs shall otherwise be imposed:

\$20 and costs of court when the gross weight is in excess of the limits prescribed in section 109, provided such excess is intentional and is 1,000 pounds or over but less than 2,000 pounds, and the above provision as to intent shall apply only to such excess as is less than 2,000 pounds;

\$40 and costs of court when such excess is 2,000 pounds or over but less than 3,000 pounds;

\$80 and costs of court when such excess is 3,000 pounds or over but less than 4,000 pounds;

\$150 and costs of court when such excess is 4,000 pounds or over but less than 5,000 pounds;

\$200 and costs of court when such excess is 5,000 pounds or over but less than 6,000 pounds;

\$250 and costs of court when such excess is 6,000 pounds or over but less than 8,000 pounds;

\$300 and costs of court when such excess is 8,000 pounds or over but less than 10,000 pounds;

Not less than \$350, and costs of court and not more than \$500 and costs of court when such excess is 10,000 pounds or over.

(1955, c. 366. 1957, c. 334, § 2.)

**Effect of amendments.** — The 1955 amendment inserted in the first subparagraph of the present second paragraph the provision as to intent. The 1957 amendment inserted "except before trial justice and municipal courts" in the first paragraph and deleted the word "of" which formerly appeared at the end of such paragraph, and inserted the first two sentences and the opening clause of the third sentence of the second paragraph. As the third, fourth and fifth paragraphs were not changed, they are not set out.

**Sec. 111-A. Weight tolerance for firewood, pulpwood, logs and bolts.**—The operation on the highways of any vehicle loaded entirely with firewood, pulpwood, logs or bolts shall not be deemed to be in violation of any of the provisions of sections 19, 36, 109, 110 and 111 relating to weights of vehicles, weights of loads, tonnages or overloads if the gross weight of such vehicle and its load does not exceed 110% of the maximum gross weight for which such vehicle is then registered nor 110% of the maximum gross weight permitted for such vehicle by the provisions of section 109, and if the weight thereof imparted to any road surface by any one axle does not exceed 110% of the maximum single axle weight permitted therefor by the provisions of section 109. Nothing contained in the first sentence of this section shall permit, validate or in any way apply to the

use of the interstate system as defined in the federal-aid highway act of 1956 by vehicles with weights carried on any one axle, tandem-axle weights or overall gross weights or with widths in excess of the applicable maximum weights or maximum widths permitted by the provisions of section 108 (j) of the federal-aid highway act of 1956. (1957, c. 266.)

**Sec. 112. Minimum speed regulation.**—No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Whenever the state highway commission, the secretary of state and the chief of the state police, acting jointly, determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the commission, the secretary of state and the chief of the state police, acting jointly, may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. (1953, c. 75. 1957, c. 317, § 3.)

**Effect of amendment.** — The 1957 amendment rewrote this section.

**Sec. 113. Speed regulations.**—

**I.** 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. No person shall operate any motor driven cycle at any time mentioned in section 136 at a speed greater than 35 miles per hour unless such motor driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

**II.** Subject to the provisions of subsection I, the following rates of speed are established:

**A.** Speed in excess of 15 miles an hour when passing a school during recess or while children are going to or leaving school during opening or closing hours shall be unlawful;

**B.** Speed in excess of 15 miles an hour when approaching within 50 feet and in traversing an intersection of ways when the driver's view is obstructed shall be unlawful, except where preference is given to through movement of traffic in one direction at the expense of cross traffic by utilization of "Stop" signs or other control devices or by direction of a traffic officer. 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;

**C.** Speed in excess of 25 miles an hour in a business or residential district, or built-up portion, as defined in subsection III, shall be unlawful unless a different speed is fixed by the municipal officers with the approval of the state highway commission, the secretary of state and the chief of the state police, acting jointly, and such speed duly posted;

**D.** Speed in excess of 60 miles an hour in the daytime under any conditions shall be unlawful. Speed in excess of 55 miles an hour in the nighttime under any conditions shall be unlawful;

**E.** Speed of house trailers, however drawn, in excess of 45 miles an hour in the daytime or nighttime under any conditions shall be unlawful;

**F.** Speed of commercial vehicles, registered for over 6,000 pounds, and

school buses, conveying children to and from school or a school event, in excess of 50 miles an hour in the daytime or nighttime under any conditions shall be unlawful.

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 respondent is alleged to have driven.

### III. Definitions.

**A. Compact or built-up portions.** The compact or built-up portions of any municipality shall be the territory of any municipality contiguous to any way which is built up with structures which 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.

**B. Daytime and nighttime.** Daytime for the purposes of this section shall mean from  $\frac{1}{2}$  hour before sunrise to  $\frac{1}{2}$  hour after sunset. Nighttime shall mean any other hour. "Sunrise" and "sunset" shall be the time given in the Maine farmers almanac. (R. S. c. 19, § 102. 1949, c. 38, § 7. 1951, c. 292, § 3. 1953, c. 137, §§ 1, 2. 1955, c. 96, § 1; c. 125. 1957, c. 317, § 4.)

**Effect of amendment.**—The 1957 amendment rewrote this section.

**Statement of prima facie lawful speed in summons or notice.**—The provision in subsection II of this section for a statement of prima facie lawful speed in a summons or notice is directory and not mandatory. The purpose and intent of

the legislature to give the alleged violator notice of speed and the speed limit is apparent. It does not follow, however, that the legislature intended that error by the officer should vitiate the proceedings. *State v. Melanson*, 152 Me. 168, 126 A. (2d) 278, decided under the section as it appeared prior to the 1957 amendment.

**Sec. 113-A. Speed checked by radiomicro waves.**—The speed of any motor vehicle may be checked by the use of radiomicro waves. The results of such check shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

No operator of a motor vehicle may be arrested under this section unless signs have been placed at the State line on the primary highway system and outside cities and towns having over 3,500 population, on the primary highways to indicate the legal rate of speed of motor vehicles may be measured by radiomicro waves.

Nothing herein shall affect the powers of cities or towns to adopt and use such devices to measure speed. (1955, c. 479.)

**Sec. 113-B. Speed of motor vehicles.**—Notwithstanding the provisions of section 113, the state highway commission, the secretary of state and the chief of the state police, acting jointly, shall have authority to restrict the speed of either commercial or pleasure vehicles at any and all points on the highway where in the opinion of the commission, the secretary of state and the chief of the state police, acting jointly, a rate of speed less than that now authorized by law will minimize the danger of accident and in each such place shall fix the rate of speed in accordance with their own judgment. The state highway commission, the secretary of state and the chief of the state police, acting jointly, shall also have authority to increase the speeds of either commercial or pleasure vehicles at any and all points on the highway where, in their opinion, higher speeds are warranted. Signs giving notice of such changes in speed shall be erected by the state highway commission. (1957, c. 317, § 5.)

**Editor's note.**—P. L. 1957, c. 317, which inserted this section, provided in § 7 thereof as follows: "Notwithstanding the provisions of section 113-B, the state

highway commission shall not be required to erect speed signs on any town ways or unimproved state aid highways."

**Sec. 113-C. Municipalities may not alter speed limitations; traffic regulated by signal devices; speed in parks.**—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, subject, however, to the provisions of section 28 of chapter 23. 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.

Municipal officers in their respective jurisdictions are authorized in their discretion, but subject to the approval of the state highway commission, the secretary of state and the chief of the state police, acting jointly, to increase the speed which shall be lawful upon through ways at the entrances to which vehicles are required to stop before entering or crossing such through ways. Municipal officers shall place and maintain upon all through ways upon which the permissible speed is increased adequate signs giving notice of such regulations. (1957, c. 317, § 6.)

**Sec. 117. Overtaking vehicle not to pass another under certain conditions.**—The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

**I.** When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

**II.** When approaching within 100 feet of or traversing any intersection or railroad grade crossing, except when turning to the left to enter an intersecting way.

**III.** When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

The foregoing limitations shall not apply upon a one-way roadway.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching in either direction within 500 feet. (R. S. c. 19, § 104. 1947, c. 87. 1951, c. 7. 1957, c. 71.)

**Effect of amendments.**—This section was amended two times in 1957. Chapter 71 repealed the former first three paragraphs and inserted the first four paragraphs appearing above in lieu thereof. Chapter 308, § 6, which did not refer to or give effect to the first amendment, amended the former third paragraph to read as follows: "The driver of a vehicle

shall not overtake and pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of ways unless permitted to do so by a traffic or police officer." Since effect cannot be given both amendments, the second amendment has been set out in this note.

**Sec. 119. Overtaking and passing school buses.**—The driver of a vehicle on a way, except the roadway of a dual highway divided by a median strip, carrying traffic in the opposite direction, upon meeting or overtaking from either direction any school bus which has stopped on the way for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed. Each motor vehicle, carrying the designation "School Bus," shall conceal or remove such designation when such motor vehicle is parked on any way and does not contain any pupils or used for any purpose other than transportation of pupils. (1949, c. 385. 1951, c. 145. 1953, c. 318. 1955, c. 85, § 2.)

**Effect of amendment.**—The 1955 amendment inserted the words "except the roadway of a dual highway divided by a median strip, carrying traffic in the opposite direction" near the beginning of the section.

**Sec. 125. Method of giving hand-and-arm signals.** — All signals required by section 123 given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

**I. Left turn**—hand and arm extended horizontally;

**II. Right turn**—hand and arm extended upward;

**III. Stop or decrease speed**—hand and arm extended downward. (1951, c. 301. 1957, c. 4.)

**Effect of amendment.** — The 1957 amendment rewrote the provisions as to manner in which the signals shall be given.

**Sec. 125-A. Fire departments exempted.**—The provisions of sections 123 to 125, inclusive, shall not apply to vehicles operated by organized fire departments. (1955, c. 12.)

**Sec. 130.** Repealed by Public Laws 1957, c. 317, § 8.

**Cross reference.**—See § 113-C of this chapter for present provisions re authority of municipalities as to speed.

**Sec. 138. Trucks 15,000 pounds and over to carry flares.**—No person shall operate or cause to be operated upon the highways of the state any truck or truck tractor having a registration in excess of 15,000 pounds unless equipped with 2 red flags, and in addition thereto 3 flares, 3 red lanterns or 3 red emergency reflectors; except that in the case of vehicles used for transportation of inflammable liquids or gas in bulk, such equipment shall consist of 2 red flags, and in addition thereto 3 red electric lanterns or 3 red emergency reflectors. (1951, c. 287. 1957, c. 308, § 7.)

**Effect of amendment.** — The 1957 amendment struck out the words "gross weight" and inserted the word "registration" in lieu thereof.

**Sec. 139. Use of flares, lanterns and reflectors.**—Whenever any motor truck or truck tractor having a registration in excess of 15,000 pounds is disabled upon the traveled portion of the highway or shoulder next thereto, the operator thereof shall, during the time that lights are required, place 3 lighted flares or 3 red lanterns or 3 emergency reflectors on the roadway as follows: one flare or one lantern or one red emergency reflector in the center of the lane of traffic occupied by said disabled motor vehicle not less than 100 feet distant therefrom in the direction of traffic approaching in that lane, one flare or red lantern or one red emergency reflector not less than 100 feet from such vehicle in the center of said lane in the opposite direction and one flare or one red lantern or one red emergency reflector at the traffic side of such vehicle not closer than 10 feet from the front or rear thereof; except that if such vehicle shall be a vehicle used for the transportation of inflammable liquids or gas in bulk, only red elec-



tric lanterns or red emergency reflectors shall be placed as provided. During such time as lights are not required, red flags shall be used in place of flares, lanterns or reflectors, except that no flag shall be required to be placed at the side of the vehicle. (1951, c. 287. 1957, c. 308, § 8.)

**Effect of amendment.** — The 1957 amendment struck out the words "gross weight" and inserted the word "registration" in lieu thereof near the beginning of the first sentence and made other minor changes.

**Sec. 139-A. Name of owner or lessee displayed.**—Whoever operates or causes to be operated a truck tractor shall display on both sides the name of the owner or lessee in letters not less than  $2\frac{1}{2}$  inches in height. (1955, c. 256. 1957, c. 308, § 9.)

**Effect of amendment.** — The 1957 amendment struck out the words "all tractor trucks" and inserted "whoever operates or causes to be operated a truck tractor" in lieu thereof.

**Sec. 141. Vehicles carrying objects extending 5 feet from rear to be equipped with danger signals; trailers to be securely fastened.**—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. A trailer having more than 2 wheels shall be connected to the towing vehicle 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. (R. S. c. 19, § 113. 1955, c. 83.)

**Effect of amendment.**—The 1955 amendment substituted the words "A trailer" for the word "Trailers" at the beginning of the last sentence and deleted the words "or preceding trailer" following the words "towing vehicle" in the last sentence.

**Sec. 141-A. Splash guards.**—Every motor truck, trailer and semi-trailer operated in or upon any way shall be equipped with suitable guards which will effectively reduce the spray or splash to the rear of mud, water or slush caused by the rear wheels thereof, except that such guards shall not be required on any truck:

I. With a gross registered weight of 14,000 pounds or less; or

II. To dump trucks while working on construction or reconstruction projects in the area under construction; or

III. To a truck tractor when not hauling a trailer or semi-trailer.

The provisions of this section shall not apply to fire department vehicles. (1955, c. 339. 1957, c. 257.)

**Effect of amendment.** — The 1957 amendment made this section applicable also to semi-trailers and added the exception as to trucks and the exemption as to fire department vehicles.

**Sec. 142.** Repealed by Public Laws 1957, c. 317, § 8.

**Cross reference.**—See § 113-C of this chapter for present provisions re authority of municipalities as to speed.

**Sec. 144. Spot, fog or auxiliary lights.**—There shall not be used on or in connection with any motor vehicle a spotlight, so called, or more than 2 fog or auxiliary lights, 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 spotlight 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. The fog or auxiliary light shall emit a white or amber beam of light. This section shall not apply to ambulances, police and fire department vehicles, vehicles operated by state, city

and town fire inspectors, to motor vehicles operated by chiefs of police and by chiefs and assistant chiefs of fire departments, vehicles engaged in highway maintenance, wreckers and public utility emergency service vehicles. (R. S. c. 19, § 116. 1947, c. 320. 1949 c. 147. 1955, c. 56, § 2.)

**Effect of amendment.**—The 1955 amendment inserted the words “to motor vehicles operated by chiefs of police and by chiefs and assistant chiefs of fire departments” in the last sentence.

**Sec. 146.** Repealed by Public Laws 1957, c. 317, § 8.

**Cross reference.**—See § 113-B of this chapter for present provisions as to joint authority of state highway commission, secretary of state and chief of police to increase or decrease speed limits.

**Sec. 147. Pedestrians on ways.**

**Cited in** Verreault v. Lewiston, 150 Me. 67, 104 A. (2d) 538.

### Operation of Bicycles.

**Sec. 147-A. Regulations.**—Every person propelling a bicycle shall ride said bicycle as far as practicable to the right side of the roadway at all times except when making a left turn.

A person propelling a bicycle shall not ride other than astride a regular and permanent seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person riding upon any bicycle shall attach the same or himself to any moving vehicle upon a way. (1957, c. 294.)

**Sec. 147-B. Equipment on bicycles.**—Every bicycle when in use in the nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 200 feet to the front and with a red reflector to the rear which shall be visible at least 50 feet to the rear. Every bicycle shall be equipped with a brake which shall enable the operator to stop the bicycle within a reasonable distance. (1957, c. 294.)

**Sec. 147-C. Penalty.**—Any person of the age of 17 years or over who violates any of the provisions of sections 147-A and 147-B shall, upon conviction, be punished by a fine of not more than \$10. The chief of police of any municipality, or where there is no chief of police, the chairman of the board of selectmen, when satisfied that a juvenile under the age of 17 years has ridden a bicycle in violation of any of the provisions of sections 147-A and 147-B, may impound the bicycle for a period not to exceed 5 days for the first offense, for a period not to exceed 10 days for a second offense and for a period not to exceed 30 days for any subsequent offense. (1957, c. 294.)

### Enforcement and General Provisions.

**Sec. 148. Reckless driving.** — 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 less than \$50 nor more than \$200, or by imprisonment for not more than 3 months, or by both; 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. (R. S. c. 19, § 119. 1957, c. 250, § 1.)

**Effect of amendment.** — The 1957 amendment inserted the words “less than \$50 nor” in subsection II, deleted the words “a term of” which formerly ap-

peared in the first provision as to imprisonment, and deleted the words "such fine and imprisonment" which formerly appeared at the end of both penal provisions in such subsection.

**The constitutionality of this section is unquestioned.** "Recklessly," "in a wanton manner," and "reckless driving" are words sufficiently definite and certain in meaning and descriptive of the prohibited acts to form the basis for the establishment of the offense. *State v. Houde*, 150 Me. 469, 114 A. (2d) 366.

**Sec. 148-A. Accidents involving death or personal injury.**—The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 148-C. Every such stop shall be made without obstructing traffic more than is necessary.

Whoever goes away without stopping and making himself known after causing injury or death to any person shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 9 months, or by both; 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. (1957, c. 250, § 2.)

**Sec. 148-B. Accidents involving damage to vehicle.**—The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 148-C. Any person violating the provisions of this section shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not more than 90 days, or by both. (1957, c. 250, § 2.)

**Sec. 148-C. Duty to give information and render aid.**—The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving. The driver shall upon request and if available exhibit his operator's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance. (1957, c. 250, § 2.)

**Sec. 148-D. Duty upon striking unattended vehicle.**—The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. (1957, c. 250, § 2.)

**Sec. 148-E. Duty upon striking fixtures upon a highway.**—The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to

locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's license and shall make report of such accident when and as required by section 7 of chapter 15. (1957, c. 250, § 2.)

**Sec. 149. Using motor vehicle without authority.** — Whoever uses a motor vehicle without authority from its owner, express or implied, shall be punished by a fine of not more than \$200 or by imprisonment for not more than 9 months, or by both; 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. (R. S. c. 19, § 120. 1957, c. 250, § 3.)

**Effect of amendment.** — The 1957 amendment rewrote this section, omitting therefrom former provisions as to going away without stopping after accidents and as to report of citizens of reckless driving, drunken driving or failure to stop after accidents.

**Sec. 150. Operating motor vehicle while under the influence of intoxicating liquor or drug.**—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. The court may admit evidence of the percentage by weight of alcohol in the defendant's blood at the time alleged, as shown by a chemical analysis of his breath, blood or urine. 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. All such tests made to determine the weight of alcohol in the blood shall be paid for by the county wherein the violation of the provisions of this section was alleged to have occurred. 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 2 years, except that, after the expiration of 1 year 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; except that a person who has had 3 convictions under the provisions of this section may petition the secretary of state for a special license, who, after being satisfied beyond a reasonable doubt that the said petitioner has refrained from all use of intoxicating liquor for a period of 6 years next preceding the day of hearing on the said petition, may issue a special permit or license conditioned upon continued non-use of intoxicating liquor; 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.

In allegations charging second or subsequent offenses, the certified copy of the prior convictions from the office of the secretary of state shall be admitted in evidence as proof of the prior convictions. (R. S. c. 19, § 121 1947, c. 232. 1949, c. 349, § 26. 1951, c. 93. 1953, cc. 161, 222. 1955, cc. 94, 194, 322. 1957, c. 308, § 10.)

#### I. IN GENERAL.

**Effect of amendments.**—The first 1955 amendment repealed the former seventh sentence of the first paragraph, which related to the admissibility of blood tests in evidence. The second 1955 amendment added the last paragraph. And the third 1955 amendment inserted the third sentence of the first paragraph.

The 1957 amendment added the words "blood or urine" at the end of the sentence inserted in 1955 as the third sentence of this section.

#### **Construction.**

In accord with original. See *State v. Goodchild*, 151 Me. 48, 115 A. (2d) 725.

#### **The blood test provision, etc.**

The blood test according to this section raises at the best a presumption of innocence, no presumption at all or a presumption of guilt. It is not decisive and if the test is such that a presumption of innocence is raised there still may be,

and very often is, more than enough other evidence to overcome such presumptions. *State v. Chabot*, 152 Me. 348, 129 A. (2d) 559.

Obviously, the statute does but three things. (1) It establishes the prima facie effect of a showing of certain quantities of alcohol in the blood as tending to prove the presence or absence of influence from the alcohol consumed. (2) It provides protection for the respondent from any prejudice which might result from his refusal or failure to have tests made. (3) It provides for payment for such tests if they are made. The statute itself establishes no rights as to the making of tests and imposes no obligations on the part of either arresting officers or the respondent. *State v. Munsey*, 152 Me. 198, 127 A. (2d) 79.

**Blood test, once properly made, becomes available to either the state or the respondent in exactly the same way that**

other material evidence is available. *State v. Munsey*, 152 Me. 198, 127 A. (2d) 79.

**Failure of state to offer evidence of blood test.**—Where there was no intimation that state suppressed proof regarding a blood test which was taken or otherwise interfered with its availability to the respondent, failure of state to offer evidence with regard to the blood test did not entitle respondent to a directed verdict. *State v. Chabot*, 152 Me. 348, 129 A. (2d) 559.

**Reasonable opportunity to have blood test made.**—A respondent charged with operation of a motor vehicle while under the influence of intoxicating liquor is entitled to a reasonable opportunity to attempt to procure the reasonable taking of a blood sample for test purposes. If all reasonable efforts fail and no blood sample is in fact procured, no rights of the respondent are infringed for his right is not to have a test sample taken but only to have a reasonable opportunity to attempt to gather the desired evidence. *State v. Munsey*, 152 Me. 198, 127 A. (2d) 79.

When the respondent is held incommunicado and his requests for assistance in procuring a doctor are unreasonably ignored or refused by the detaining officers, it may be said that the respondent is denied the essentials of governmental fair play. *State v. Munsey*, 152 Me. 198, 127 A. (2d) 79.

Applied in *State v. DeBery*, 150 Me. 38, 103 A. (2d) 526.

Cited in *State v. Gagnon*, 151 Me. 501, 121 A. (2d) 345.

## II. NATURE AND ELEMENTS OF OFFENSE.

**And section applies whether offense occurred, etc.**

In accord with 2nd paragraph in original. See *State v. Goodchild*, 151 Me. 48, 115 A. (2d) 725.

**"Way" and "place."**—In the phrase

"upon any way, or in any other place" the word "way" obviously denotes a class or genus. Nothing remains ejusdem generis. Consequently, unless the word "place" is to be rendered meaningless it must be construed to cover everything to which the word "place" ordinarily refers. *State v. Goodchild*, 151 Me. 48, 115 A. (2d) 725.

Operation of automobiles "in any other place" means any other place than a "way." *State v. Goodchild*, 151 Me. 48, 115 A. (2d) 725.

The word "place" in this section cannot, by any reasonable interpretation, exclude the word "premises." *State v. Goodchild*, 151 Me. 48, 115 A. (2d) 725.

## III. PROCEDURE AND PUNISHMENT.

**Indictment held sufficient.**—See *State v. Palmer*, 150 Me. 448, 114 A. (2d) 243.

**License may not be revoked while case is pending before law court.**—The secretary of state may not summarily revoke an operator's license under this section (notwithstanding a jury verdict and sentence) while the case is still pending before the law court upon exceptions since a person is not "convicted" within the meaning of the statute until the case has reached such a stage that no issue of law or fact determinative of guilt remains to be decided. *State v. DeBery*, 150 Me. 28, 103 A. (2d) 523.

**Revocation is void where statutory conditions are not met.**—Where the statutory conditions upon which the secretary of state is authorized to summarily revoke an operator's license have not occurred, an attempted revocation is void. *State v. DeBery*, 150 Me. 28, 103 A. (2d) 523.

**Complaint charging an attempt held sufficient.**—See *Briggs v. State*, 152 Me. 180, 126 A. (2d) 563.

**Complaint sufficiently describing place.**—See *State v. Goodchild*, 151 Me. 48, 115 A. (2d) 725.

**Sec. 151. Manslaughter; license to be revoked.**—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 sections 150, 151 and 151-B, 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. (R. S. c. 19, § 122, 1957, c. 333, § 1.)

**Effect of amendment.** — The 1957 amendment made the last sentence applicable also to sections 151 and 151-B. **Applied in** State v. DeBery, 150 Me. 28, 103 A. (2d) 523.

**Sec. 151-A. Driving to endanger.**—No person shall drive any vehicle upon a way in such a manner as to endanger any person or property. (1955, c. 96, § 2.)

**Sec. 151-B. Negligently or carelessly causing death of a person; license revoked.**—Any person who drives a vehicle with reckless disregard for the safety of others and thereby causes the death of another person, when the death of such person results within one year, shall be guilty of the offense of reckless homicide. Any person convicted of reckless homicide 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. Reckless disregard for the safety of others as used in this section shall mean one's conduct is in reckless disregard for the safety of another if he intentionally does an act or fails to do an act which it is his duty to the other to do, knowing or having reason to know of facts which would lead a reasonable man to realize that his conduct not only creates an unreasonable risk of bodily harm to the other but also involves a high degree of probability that substantial harm will result to the other. The license 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. In case of an appeal, the license shall be suspended during the course of the appeal 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 and the revocation shall start when and if the conviction is upheld. No person whose license or permit to operate a motor vehicle has been so revoked shall be licensed again or permitted to operate a motor vehicle for a period of 3 years from the time such license is revoked, except that after one year has elapsed from the date of such revocation, the secretary of state shall restore such license or permit with or without conditions or restrictions.

All prosecutions under this section shall be conducted by the county attorney or the assistant county attorney. (1957, c. 333, § 2.)

**Sec. 153. Police officers in uniform may stop motor vehicles for examination; may examine stationary vehicles.**

Whoever while operating a vehicle in violation of 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 punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both. (R. S. c. 19, §§ 124, 135, 1957, c. 308, § 11.)

**Effect of amendment.** — The 1957 amendment substituted the words "in violation of" for "not lighted or equipped as required by" near the beginning of the last paragraph and deleted the words

"such fine and imprisonment" at the end of such paragraph. As only the last paragraph was changed by the amendment, the first four paragraphs are not set out.

**Sec. 157. Owner and renter of motor vehicles to be jointly and severally liable for damages.**—The owner of a motor vehicle engaged in the business of renting motor vehicles, with or without drivers, who rents any such vehicle, with or 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 op-

erate 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. (R. S. c. 19, § 128, 1955, c. 370, § 3.)

**Effect of amendment.**—The 1955 amendment to owners of vehicles rented with extended the application of this section to drivers.

**Sec. 158. Owner of rented motor vehicles to keep a record of the renter.**—Every person engaged in the business of renting motor vehicles with or without drivers who shall rent any such vehicle with or 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 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, which shall be carried in the vehicle at all times during the period of lease or hire as aforesaid and while being used on the highways in this state. (R. S. c. 19, § 129, 1955, c. 370, § 4.)

**Effect of amendment.**—The 1955 amendment extended the application of this section to owners of vehicles rented with drivers. It also deleted the words “a public record and” before the word “open” in line eight, and added to the last sentence the requirement that the form be carried in the vehicle.

**Sec. 161. Effect of revoking registration, license or right to operate; number plates not transferable; plates to be properly displayed.**

Any person who drives a motor vehicle on any public highway of this state at a time when his privilege to do so is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 6 months, or by both.

Any person who drives a motor vehicle on any public highway of this state at a time when his privilege to do so is suspended for failure to comply with the provisions of the financial responsibility law shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both. (R. S. c. 19, § 132, 1951, c. 235, § 24, 1953, c. 263, 1957, c. 250, §§ 4, 5.)

**Effect of amendment.**—Section 4 of the 1957 amendment inserted the minimum fine in the second paragraph and deleted the words “such fine and imprisonment” which formerly appeared at the end of such paragraph. Section 5 of such amendment added the last paragraph. As the first paragraph was not changed by the amendment, it is not set out.

**Operating motor vehicle after void revocation of license.**—Where revocation of defendant's license by secretary of state under § 150 of this chapter was void defendant could not be convicted under this section of operating a motor vehicle after his license had been revoked. *State v. DeBery*, 150 Me. 28, 103 A. (2d) 523.

**Sec. 163. Court jurisdiction.**—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, except that all fines and forfeitures



collected for overload violations shall accrue to the general highway fund; except that 13% of all fines collected for overload violations in the Yorkshire municipal court, York county, and in the Lincoln municipal court, Penobscot county, shall accrue to each respective county for the maintenance of said courts. The county shall retain \$5 of each such overload fine collected through any trial justice or municipal court. (R. S. c. 19, § 134. 1951, c. 293. 1957, c. 221; c. 334, § 3.)

**Effect of amendments.**—The first 1957 amendment substituted a comma for a semicolon preceding the first exception and added the second exception in the second sentence. The second 1957 amendment inserted the third sentence.

**Sec. 164. General penalty for violation where specific penalty is not provided.**—Whoever violates or fails to comply with any provision 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 less than \$10 nor more than \$100, or by imprisonment for not more than 90 days, or by both. (R. S. c. 19, § 135. 1957, c. 250, § 6.)

**Effect of amendment.**—The 1957 amendment substituted the words “any provision” for the words “the provisions of any section” in the first clause, inserted the minimum fine, and deleted the words “such fine and imprisonment” which formerly appeared at the end of this section.

## Chapter 23.

### State Highway Department.

Sections 37-A to 37-F. Highway Safety Committee.

Section 126-A. Covered Bridges.

#### Objective. Rules of Construction.

**Sec. 2. Rules of construction.**—The rules of construction in section 22 of chapter 10 shall apply to this chapter. The word “maintenance” shall include the restoring of reconstructed and improved highways to their condition when improved and shall be applicable only to highways to the improvement of which the state has contributed or shall hereafter contribute, except as elsewhere herein provided. The word “commission” shall mean the state highway commission. The word “highway” shall mean all of the right of way that may have been laid out by the state, county or town. The word “town” shall include cities, towns, organized plantations and unincorporated townships, except as herein otherwise indicated. The words “municipal officers” shall also include county commissioners having jurisdiction over highways in unincorporated townships. The word “valuation” shall mean the valuation last made by the state tax assessor. The word “section” shall refer to this chapter, unless otherwise indicated. As used in this chapter, and all amendments and additions thereto, unless otherwise defined therein, the words “compact or built up section” shall mean a section of the highway where structures are nearer than 200 feet apart for a distance of  $\frac{1}{4}$  of a mile. (R. S. c. 20, § 2. 1951, c. 158, § 1; c. 321, § 1. 1955, c. 22.)

**Effect of amendment.**—The 1955 amendment inserted the words “unless otherwise defined therein” and substituted the word “structures” for the word “buildings” in the last sentence.

#### State Highway Commission: Organization.

**Sec. 3. Commission; appointment; tenure; choice of chairman; attorney general attorney for commission; annual reports.**—The state highway commission, as heretofore established, shall consist of 3 members to be appointed by the governor with the advice and consent of the council. One mem-