

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

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THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

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.

Cross references.—See c. 91-A, §§ 123-132, re excise tax on motor vehicles. See c. 91-A, § 128, re payment of excise tax as prerequisite to registration under this chapter.

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;

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

“Muffler” shall mean a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

“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;

“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;

“Stock race car” shall mean a one-time factory produced vehicle equipped with roll bars or bracing welded or attached to the frame in a permanent manner and special safety belts, firewalls and having a certain amount of the body removed.

(1955, c. 51; c. 240, § 1; c. 351, § 1; c. 370, § 1. 1959, c. 99, § 1; c. 253, § 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 definition of “antique motor car,” both in their proper places in alphabetical order in this section. The fourth 1955 amendment rewrote the definition of “owner.”

The first 1959 amendment added the definition of “stock race car” and the second

1959 amendment added the definition of "muffler". Only the paragraphs added or changed by the amendments are set out.

Effective date. — P. L. 1959, c. 253,

amending this section, provided in section 4 thereof as follows: "This act shall become effective on April 1, 1960."

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.

The notification under this section of the suspension or revocation of any certificate of registration or any license issued to any person to operate a motor vehicle shall be sufficient if sent by registered or certified mail to the address given by the registrant or licensee.

Any person who, after notice of such suspension or revocation, fails or refuses to obey any order of the secretary of state under this section shall be punished as provided in section 164. (R. S. c. 19, § 6. 1955, c. 10, § 1. 1959, c. 207, § 1.)

Effect of amendments. — The 1955 amendment inserted the words "or the deputy secretary of state" in the first sentence. The 1959 amendment added the last two paragraphs to this section.

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.)

Certain Duties of Secretary of State. Report of Thefts.

Sec. 9. Hearings.—Notice of any hearing held by the secretary of state or by his authority under the provisions of this chapter shall state the place, day and hour thereof, and warn the licensee or registrant that he may then and

there appear, in person or through counsel, to show cause why his license should not be suspended or revoked, or why the registration of the vehicle should not be annulled. Service of such notice shall be sufficient if sent by registered or certified mail to the address given by the licensee or registrant, 5 days at least before the day set for the hearing. (R. S. c. 19, § 9. 1959, c. 207, § 2.)

Effect of amendment.—The 1959 amendment struck out the semicolon and the words “and service”, formerly following the word “annulled” and substituted in lieu thereof a period, added the word

“Service” at the beginning of the present second sentence and added the words “or certified” after the word “registered” and before the word “mail” in the second sentence of this section.

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.

The registration of a stock race car shall be upon a form prescribed by the secretary of state and the fee shall be \$5. The secretary of state shall supply a registration plate to be determined by the secretary. No stock race car shall be operated on the highways under its own power.

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 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 and all vehicles owned by a municipal fire department or an organized volunteer fire department 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.

Maine residents, who register vehicles in another state, may operate such vehicles in Maine in the event of a breakdown without procuring Maine registrations, provided such breakdowns are reported within 48 hours to the chief of the state police and provided such vehicles are registered in a state which has other reciprocal registration agreements with the state of Maine. (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; c. 429, § 24. 1959, c. 99, § 2; c. 128.)

Cross reference.—See c. 91-A, § 125, re exemption of vehicles registered under this section from payment of excise tax under c. 91-A, §§ 123-132.

Effect of amendments.—This section was amended five times by the Public Laws of 1955. Chapter 370 rewrote the first paragraph, c. 160 substituted “any officer” 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 fourteenth 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.

This section was amended four times in 1957. Chapter 2 made the first sentence of the fourteenth paragraph into three sentences and inserted in the third sen-

tence “and all vehicles owned by a municipal fire department or an organized volunteer fire department” immediately following “state highway commission”; however, chapter 397 re-enacted that paragraph, incorporating all of the changes made by chapter 2 except the insertion quoted above. Chapter 308 inserted the word “motor” preceding the word “vehicle” near the end of the first sentence of the second paragraph. Chapter 429, § 24, replaced the insertion quoted above in the third sentence of the former thirteenth (now fourteenth) paragraph but deleted the same words from the first sentence of that paragraph.

This section was amended twice in 1959. Chapter 99, § 2, added the present sixth paragraph; and chapter 128 added the last paragraph.

Effective date.—P. L. 1957, c. 429, became effective on its approval, October 31, 1957.

Sec. 15-A. Payment of excise or personal property tax before registration.—No motor vehicle or house trailer shall be registered under this chapter until the excise tax or personal property tax has been paid in accordance with chapter 91-A, sections 124 and 126. (1959, c. 308, § 3.)

Sec. 16. Fees for registration; ½ regular fee after September 1st.
I. Motor vehicles.

A. Used for the conveyance of passengers, \$15. Vehicles of the station wagon type which are used interchangeably for the conveyance of passengers or property shall pay the above fee. Such vehicles shall be designated as “convertibles.” (1957, c. 330, § 1. 1959, c. 100, § 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 regis-

tering 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 of state, 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 of state 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. 1959, c. 363, § 9)

E. Repealed by Public Laws 1959, c. 100, § 2.

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.

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. 1959, c. 308, § 5)

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

V-B. Stock race cars \$5.00 each.
(1959, c. 99, § 3)
(1955, c. 191, § 2; c. 200, § 1; c. 240, § 2; c. 251; c. 351, § 3. 1957, cc. 45, 285; c. 308, § 2; c. 309, § 1; c. 330, §§ 1, 3; c. 411, §§ 1, 2. 1959, c. 99, § 3; c. 100, §§ 1, 2; c. 308, § 5; c. 363, § 9.)

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.)

This section was amended four times by the 1959 legislature. P. L. 1959, c. 99, § 3, added subsection V-B. Chapter 100, § 1 rewrote paragraph A of subsection I and § 2 thereof repealed paragraph E of subsection I. Chapter 308, § 5 repealed the next to last paragraph of subsection III. Chapter 363, § 9, re-enacted paragraph D of subsection I without change.

Only the paragraphs affected by the amendments 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,

Editor's note.—P. L. 1957, c. 429, provided in section 95 thereof as follows:

"Sec. 95. Registration and operators' license fees. The registration and operators' license fees for motor vehicles, as provided in chapter 22, section 16, subsection I, paragraphs A and D; chapter 22, section 19, first paragraph; and chapter 22, section 60, all of the Revised Statutes in effect on June 1, 1958, shall be effective for the calendar year 1959 and for the subsequent years until changed by legislative enactment. The provisions of this section shall become effective June 1, 1958."

Effective date.—P. L. 1959, c. 100, provided in section 3 thereof as follows: "The provisions of this act shall be effective for the calendar year 1960 and for the subsequent years until changed by legislative enactment."

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 | \$ 15 |
| From 6,001 pounds gross weight to 9,000 pounds gross weight | \$ 20 |
| From 9,001 pounds gross weight to 11,000 pounds gross weight | \$ 35 |
| From 11,001 pounds gross weight to 14,000 pounds gross weight | \$ 60 |
| From 14,001 pounds gross weight to 16,000 pounds gross weight | \$ 80 |
| From 16,001 pounds gross weight to 18,000 pounds gross weight | \$100 |
| From 18,001 pounds gross weight to 20,000 pounds gross weight | \$125 |
| From 20,001 pounds gross weight to 23,000 pounds gross weight | \$150 |
| From 23,001 pounds gross weight to 26,000 pounds gross weight | \$175 |
| 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 |

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. 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 this section. Trucks which are used on a substantially daily delivery schedule on established routes are not included as “farm trucks.” 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; c. 429, § 25. 1959, c. 162; c. 363, § 10.)

Effect of amendments.—The 1935 amendment inserted a new paragraph as the second paragraph of this section.

This section was amended by five 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 1935, and chapter 408 inserted a third paragraph. Chapter 429 rewrote the second paragraph and re-enacted the former third paragraph, previously inserted by chapter 408, as a part of the second paragraph.

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

This section was amended by two acts of the 1959 legislature. Chapter 162 rewrote the second paragraph, eliminating the former fourth and sixth sentences of the paragraph and eliminating the words

“the provisions of”, formerly appearing after the word “under” and before the word “this” near the end of the present fifth sentence, and added “than” preceding “\$500” at the end of the paragraph. Chapter 363, section 10 decreased the annual registration fee in the first nine categories in the first paragraph.

All of these amendments have been given effect in the section as set out above.

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

Editor's note.—P. L. 1957, c. 429, provided in section 95 thereof as follows:

“Sec. 95. Registration and operators' license fees. The registration and operators' license fees for motor vehicles, as provided in chapter 22, section 16, subsection 1, paragraphs A and D; chapter 22, section 19, first paragraph; and chapter 22, section 60, all of the Revised Statutes in effect on June 1, 1958, shall be effective for the calendar year 1959 and for the subsequent years until changed by legislative enactment. The provisions of this section shall become effective June 1, 1958.”

Effective date.—P. L. 1957, c. 429, became effective on its approval, October 31, 1957.

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, $\frac{1}{2}$ 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 become 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, provided that the movement of motor vehicles is an ordinary and usual incident to the operation of such business.

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. In no event shall any plates issued under this section be used in lieu of registration plates issued under sections 13 to 20. The board shall be empowered to determine such use and authorized to prescribe reasonable limitations of use of such transit plates. The number of such plates to be issued shall be determined by the board. (1955, c. 200, § 5. 1957, c. 76, § 4. 1959, c. 104, § 1.)

Effect of amendments. — The 1957 amendment made this section applicable also to semitrailer dealers and dealers in mobile homes. It also inserted the second

paragraph, added the last sentence of the third paragraph, and made other minor changes.

The 1959 amendment struck out the words "which are within the general terms of this section", formerly appearing after the word "businesses", at the end of the

first paragraph, and substituted the proviso in lieu thereof. It also added the second and third sentences to the last paragraph of the section.

Effective date.—The 1955 act inserting this section provides in section 13 that it shall become effective for the year 1956.

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 motor vehicle dealer, transit, motorcycle dealer or boat trailer dealer registration plates until the applicant therefor shall have procured and filed with the secretary of state a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this chapter with respect to the plates issued, 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 vehicle bearing such registration plates. 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. 1959, c. 156, § 1.)

Effect of amendment.—The 1959 amendment rewrote the first sentence of this section.

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 or of chapter 134, section 38-A. (1955, c. 200, § 6. 1957, c. 76, § 7. 1959, c. 302, § 1.)

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.)

VI. On proof that the holder of a transit registration certificate has violated any limitations of use imposed on such certificate by the board under section 26-A. (1959, c. 104, § 2.)

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. 1959, c. 104, § 2; c. 302, § 1.)

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 the 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.

This section was twice amended in 1959. The first 1959 amendment inserted subsection VI. The second 1959 amendment added the words "or of chapter 134, section 38-A", at the end of subsection IV.

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 sections 21 to 29 shall be used for other than demonstration, service or emergency purposes. When trucks, tractors or trailers 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 service or maintenance of motor vehicles and the maintenance of the properties connected and used with such business, and not with the transportation of commodities not so connected or commodities taken in trade in the purchase or sale of motor vehicles. (1955, c. 200, § 8. 1959, c. 104, § 3.)

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. 1959, c. 104, § 3.)

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.

The 1959 amendment rewrote subsection I of this section.

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. The secretary of state shall furnish the manufacturer of, or dealer in, boat trailers with 2 distinguishing plates free of cost and additional plates for \$5 each. For every plate in addition to the 2 originally furnished to the manufacturer of or dealer in boat trailers, to replace lost or mutilated plates, 75¢ shall be charged. (1957, c. 337, § 1. 1959, c. 156, § 2.)

Effect of amendment.—The 1959 amendment added the last two sentences to this section.

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 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. (1957, c. 76, § 8; c. 429, § 26.)

Effect of amendment.—The 1957 amendment revised this section so as to make it applicable to boat trailers.

Effective date.—The 1957 act amending this section became effective on its approval, October 31, 1957.

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 ap-

pointment 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 amendment changed the word "load" in lines two and seven of the first paragraph 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) 284, 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. Repealed by Public Laws 1957, c. 429, § 27.

Effective date.—The 1957 act repealing this section became effective on its approval, October 31, 1957.

Sec. 39-A. Windshields unobstructed.—No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

It shall be unlawful to operate a motor vehicle with an object placed or hung in or upon the vehicle other than the required or provided equipment of the vehicle in such a manner as to obstruct or interfere with the view of the operator through the windshield or to prevent him from having a clear and full view of the road and conditions of traffic behind such vehicle.

This section shall not apply to the stickers required by section 45 or civil defense stickers, when placed in the lower left hand corner of the windshield, or "No Riders" stickers. In lieu of a "No Rider" sticker, a sticker not to exceed 3½ inches by 3½ inches may be used. (1959, c. 171.)

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 paragraph was not changed by the amendment inserted the word "muffler" amendment, it is not set out. in the second paragraph. As the first

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. (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. 1959, c. 253, § 2.)

Effect of amendments. — 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."

The 1959 amendment struck out the last two sentences of this section, formerly reading as follows: "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."

Effective date. — P. L. 1959, c. 253, amending this section, provided in section 4 thereof as follows: "This act shall become effective on April 1, 1960."

Sec. 41-A. Hydraulic brake fluid.—The term "hydraulic brake fluid" as used in this section means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle. Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

The secretary of state shall, after public hearing following due notice, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the Society of Automotive Engineers applicable to such fluid.

No person shall distribute, have for sale, offer for sale, sell or service any ve-

hicle with any hydraulic brake fluid unless it complies with the requirements of this section. (1959, c. 134, § 1.)

Effective date.—P. L. 1959, c. 134, adding as follows: "This act shall become effective this section, provided in section 2 thereof on January 1, 1960."

Sec. 41-B. Mufflers; prevention of noise.—No person shall operate a motor vehicle on any way unless the same be equipped at all times with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cut-out, by-pass or similar device. No person shall operate a motor vehicle the exhaust system of which has been modified so as to amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all of the requirements of this section. (1959, c. 253, § 3.)

Editor's note.—P. L. 1959, c. 253, § 3, designated this section as § 41-A of chapter 22. Since the number "41-A" had already been pre-empted by P. L. 1959, chapter 134, which said chapter added § 41-A, relative to hydraulic brake fluid, this section, although designated "§ 41-A" in the act adding same, has been assigned the number "§ 41-B".

Effective date.—P. L. 1959, c. 253, adding this section, provided in section 4 thereof as follows: "This act shall become effective on April 1, 1960."

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 except that on flat-body dump trucks of 7 feet or over in width such lights and signal lamps may be displayed on the rear of the frame of the 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, 1959, c. 217.)

Effect of amendments. — The 1955 amendment repealed the former last paragraph, which excepted certain police and fire-fighting vehicles from the application 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 re-

placed 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.

The 1959 amendment added all of the language beginning with the words "except that" at the end of the last paragraph in this 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 amend- second sentence and rewrote the next to ment inserted the words "or amber" in the 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 or private school 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; school as used in this sentence shall mean either a private or public school. 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 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.

All school buses as defined in this section shall be equipped with a fire extinguisher of a type and size approved by the laboratories of the National Board of Fire Underwriters. In addition to other lights required by law on each such bus, its front and rear shall be equipped with a stop light of a type approved by the secretary of state. Such light shall be clearly displayed whenever the bus stops to receive or discharge its passengers. Flashing lights on school buses shall be turned on by the operator of such bus at least 100 feet before any stop is made to receive or discharge its passengers and shall be continually displayed until after the bus has received or discharged its passengers. The provisions of this section with reference to lights shall apply only to school buses with a carrying capacity of 10 or more pupils.

(1955, c. 85, § 1; c. 132. 1957, c. 244; c. 397, § 16; c. 425; c. 429, § 29. 1959, c. 25.)

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.

This section was amended four times by the 1957 legislature. The first 1957 amendment rewrote the second paragraph. The second 1957 amendment, which did not give effect to the first 1957 amendment, also rewrote said second paragraph. The third 1957 amendment rewrote the first sentence of this section. The fourth 1957 amendment rewrote the second paragraph to read as rewritten by the first 1957 amendment.

The 1959 amendment inserted the next to the last sentence in the sixth paragraph.

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

Effective date.—P. L. 1957, c. 429, became effective on its approval, October 31, 1957.

Taxation of Motor Vehicles. Aircraft.

Secs. 49-59. Repealed by Public Laws 1959, c. 308, §§ 6, 7.

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 \$2 shall accompany the application. Before the license is granted, an applicant shall be required to pass such physical examination and such examination by actual demonstration or otherwise as to his qualifications to operate a motor vehicle as the said secretary shall require; provided said secretary may waive such examination in the case of applicants who have been duly licensed by this state to operate a motor vehicle during any one of the 3 preceding calendar years 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 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. The fee for such license shall be \$2.

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. 1959, c. 10, §§ 1, 2; c. 363, § 11.)

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 fourth 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 six paragraphs in lieu thereof. Chapter 214 increased the examination fee in the sixth sentence of the first paragraph from \$1 to \$2, increased the duration of the instruction permit in the eighth sentence of the first paragraph from 60 to 90 days, increased 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 ninth and tenth sentences thereof from \$1 to \$2, increased the duration of a renewal permit in the eleventh sentence thereof from 60 to 90 days and made a

former proviso of such eleventh 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.

This section was amended twice in 1959. P. L. 1959, c. 10, § 1, repealed the second and third paragraphs of the section. P. L. 1959, c. 10, § 2, rewrote the fifth paragraph, changing the fee to \$2. P. L. 1959, c. 363, § 11 re-enacted the second sentence of this section without change, and reduced the fee from \$3 to \$2 in the third sentence.

As the last two paragraphs of the orig-

inal were not changed by the amendments, they are not set out.

Editor's note.—P. L. 1957, c. 429, provided in section 95 thereof as follows:

"Sec. 95. Registration and operators' license fees. The registration and operators' license fees for motor vehicles, as provided in chapter 22, section 16, subsection 1, paragraphs A and D; chapter 22, section 19, first paragraph; and chapter 22, section 60, all of the Revised Statutes in effect on June 1, 1958, shall be effective for the calendar year 1959 and for the subsequent years until changed by legislative enactment. The provisions of this section shall become effective June 1, 1958."

Effective date.—P. L. 1959, c. 10, amending this section became effective on its approval, February 18, 1959.

Sec. 60-A. Driver education.—After the first day of September, 1960, no operator's license shall be issued to any person under 17 years of age unless such person shall present a certificate of successful completion of a driver education course and examination given by the public secondary schools and academies receiving tuition students as described in chapter 41, section 107; or certificate of successful completion of a driver education course and examination given by some person or persons licensed by the secretary of state. Licenses shall be issued upon presentation of a certificate of approval issued by the state board of education. The fee for such license shall be \$25 per year, except that no license shall be required of teachers conducting a driver education course in public secondary schools or academies receiving tuition students as described in chapter 41, section 107. All licenses expire on December 31st of the year of issue.

Successful course completion certificates may be issued to any person permitted by law to have a license provided such course shall meet teacher qualification, course content and standards approved by the state board of education. Successful course completion certificates shall not be issued to any person who was not at least 15 years of age at the commencement of the road instruction phase of the course.

Any person between the ages of 15 and 17, who satisfies the secretary of state that no readily available means of transportation exists to and from a secondary school or academy which he is attending, may be issued, upon passing the regular driver's examination as provided in section 60, a special permit authorizing such person to drive to and from such school or academy. (1959, c. 221, § 1.)

Editor's note.—Section 2 of the 1959 act inserting this section reads as follows: "Sec. 2. Application. This act shall not apply to any person who is under 17 years

of age and who holds a valid State of Maine operator's license issued prior to September 1, 1960."

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 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. Licenses issued from January 1st through August 31st shall require evidence of the payment of the previous year's poll tax, and licenses issued from September

1st through December 31st shall require evidence of the payment of the current year's poll tax. (R. S. c. 19, § 49. 1957, c. 121, § 2. 1959, c. 84.)

Effect of amendments. — 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".

after the word "his", and before the words "poll tax", in the first sentence of the section, and added the last sentence.

Effective date.—P. L. 1959, c. 84, amending this section, provided that the act should take effect when approved, March 19, 1959.

The 1959 amendment struck out the words "last assessed", formerly appearing

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.

School Bus Operators.

Sec. 66. School bus operators; requirements. — No person shall operate a school bus with a seating capacity of 10 or more persons in the actual conveyance of school children until he shall have complied with the following requirements:

I. Must have held an operator's license from the State of Maine or any other state for at least one year;

I-A. Must be at least 18 years of age unless he has passed a driver-education course in Maine and has held an operator's license for at least one year;

II. Must pass such examination as the secretary of state shall prescribe to determine his ability to operate the specific vehicle which will be driven while transporting school children or any comparable type vehicle;

III. Application for such examination must be filed with the secretary of state within 30 days after the commencement of such operation;

IV. A fee of \$1 shall be paid to the secretary of state for such examination.

This section shall not apply to a substitute or occasional driver who is not regularly employed as a school bus operator. (1951, c. 384. 1959, c. 50.)

Effect of amendment.—The 1959 amendment rewrote this section, adding subsection I-A, deleting the former last para-

graph of subsection IV and adding the present last paragraph of the section.

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)

Cross reference.—See c. 91-A, § 125, re exemption of vehicles registered under this

section from payment of excise tax under c. 91-A, §§ 123-132.

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.**

A. Repealed by Public Laws 1959, c. 363, § 12.

G. "Motor Vehicle Liability Policy," a policy of liability insurance certified 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)

(1955, c. 395, § 1. 1959, c. 363, § 12.)

Effect of amendments.—The 1955 amendment inserted the words "certified as proof of 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 indorsement to an existing policy, as defined in subsections I, II, IV of section 80" at the end of paragraph G of subsection I.

The 1959 amendment repealed paragraph A of subsection I of this section, formerly reading as follows: "A. 'Secretary' shall mean the secretary of state or any of his deputies."

As the rest of the section was not changed by the amendments, 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 destruction 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)
(1955, c. 39, §§ 1-3; c. 243; c. 395, §§ 2, 3. 1957, c. 390.)

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. [1955, c. 395, § 6]. (R. S. c. 19, § 69. 1951, c. 243, § 6. 1955, c. 395, §§ 4-6.)

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.—

I. Amount of proof required. Proof of financial responsibility shall mean proof of ability to respond in damages for any liability thereafter incurred, arising out of the ownership, maintenance, control or use of a motor vehicle, trailer or semi-trailer in the amount of \$10,000 because of bodily injury or death to any one person, and subject to said limit respecting 1 person, in the amount of \$20,000 because of bodily injury to or death to two or more persons in any one accident, and in the amount of \$5,000 because of injury to and destruction of property in any one accident. Whenever required under sections 75 to 82, such proof in such amounts shall be furnished for each motor vehicle, trailer or semi-trailer registered by such person, except that any utility trailer or house trailer, registered in the name of any person required to file proof of financial responsibility, which is automatically covered by a policy on any motor vehicle registered by such person, which also provides the coverage required for a motor vehicle liability policy, shall not be subject to this section. (1953, c. 96, § 3. 1959, c. 269.)

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, § 71. (R. S. c. 19, § 70. 1951, c. 243, §§ 7, 8. 1953, c. 96, § 3. 1955, c. 395, § 7. 1959, c. 269.)

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

The 1959 amendment rewrote the second sentence of subsection I by deleting “in-

clusive” following “sections 75 to 82” and adding the exception as to trailers at the end of that sentence.

As the rest of the section was not changed by the amendments, only subsections I and VII are 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; c. 429, § 31.)

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 preceding the second exception in such sentence. The third 1957 act re-enacted this section without change.

Effective date.—P. L. 1957, c. 429, be-

came effective on its approval, October 31, 1957.

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. 87. Traffic-control signals regulated.

Lights are installed for the purpose of regulating traffic. Driving against red or with a green light are acts to be considered in arriving at the question of negligence on the part of a motorist. *Ward v. Merrill*, 154 Me. 45, 141 A. (2d) 438.

A person crossing upon a crosswalk is legally fortified with the assumption that

all vehicles will obey this section and city ordinances requiring motor vehicles to yield to pedestrians, although such assumption is not intended by the law to be perverted into false security or rash presumption. *McMann v. Reliable Furniture Co.*, 153 Me. 383, 140 A. (2d) 736.

Sec. 88. "Through ways" designated.

The state highway commission and municipal officers, in their respective jurisdictions, may erect standard signs requiring vehicles, or drivers of vehicles, to "yield" the right of way at certain intersections, including approaches to through ways or previously designated "Stop" intersections where it is expedient to allow traffic to move through or into the intersection at a reasonable speed for existing conditions of traffic and visibility, yielding the right of way to all vehicles or pedestrians approaching from either direction on the intersecting street which are so close as to constitute an immediate hazard.

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.

(1959, c. 125; c. 363, § 13.)

Effect of amendments. — This section was amended twice by the 1959 legislature. Chapter 125 amended the second paragraph by striking out the words "in no case greater than 15 miles per hour," formerly appearing after the word "visibility" and

before the word "yielding," near the end of the paragraph. Chapter 363 added the paragraph following the second paragraph as set out above. As the other paragraphs of the section were not affected by the amendments, they are not set out.

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

—Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a through way or a stop intersection indicated by a stop sign shall stop, and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right of way to the vehicle so proceeding.

Every vehicle approaching on a through way to point of its intersection with a way other than a through way so as to arrive at such point at approximately the same instant as a vehicle approaching on such other way shall, as against such other vehicle, have the right of way. (R. S. c. 19, § 79. 1949, c. 144. 1953, c. 230, § 2. 1957, c. 308, § 5. 1959, c. 215; c. 363, § 14.)

Effect of amendments. — The 1957 amendment rewrote the last paragraph of this section.

1959 legislature. Chapter 215 rewrote the first two paragraphs. Chapter 363 repealed the last paragraph, as amended by P. L. 1957, c. 308, § 5.

This section was amended twice by the

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 | Maximum load in pounds carried on any group of axles | |
|---|---|---|
| | 3 axle vehicles | 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 pro-

visions 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.

II. Except where the conditions contained in subsection I require a lower speed for compliance with subsection I the following maximum 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 45 miles an hour shall be unlawful unless otherwise posted;

E. Speed of house trailers, however drawn, in excess of 45 miles an hour in the daytime or nighttime 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 45 miles an hour in the daytime or nighttime shall be unlawful unless otherwise posted;

G. Speed of any motor driven cycle in excess of 35 miles an hour at any time mentioned in section 136 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 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; c. 423, § 1. 1959, c. 149, §§ 1, 2.)

Effect of amendments.—This section was amended twice by the 1957 legislature. Chapter 317 rewrote the section as it appeared in the original. Chapter 423 rewrote the section, as amended by Chapter 317.

P. L. 1959, c. 149, § 1, rewrote paragraph D of subsection II, reducing the speed limit to 45 miles an hour, unless otherwise posted. P. L. 1959, c. 149, § 2, rewrote paragraph F of subsection II, reducing the speed limit to 45 miles an hour, unless otherwise posted.

Effective date. — P. L. 1957, c. 423, amending this section became effective on its approval, October 31, 1957.

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 measured by radar.—The speed of any motor vehicle may be measured by the use of radar or any other electronic device which measures speed by radiomicro waves or otherwise. The results of such measurement shall be accepted as prima facie evidence of the speed of such motor vehicle in any court in criminal proceedings where the speed of the motor vehicle is at issue provided that signs bearing the words "Speed Measured by Radar," shall appear on any highway not more than one mile and not less than $\frac{1}{4}$ mile from approaching traffic where radar or other electronic device is being used.

Nothing in this section shall affect the powers of municipalities to adopt and use such devices to measure speed. (1955, c. 479. 1957, c. 431.)

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

Effective date.—The 1957 act amending

this section became effective on its approval, January 30, 1958.

Sec. 113-B. Speed of motor vehicles.— Except as provided in section 113-D and notwithstanding the provisions of section 113, subsection II, 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 all motor 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 all motor vehicles at any and all points on the highway where, in their opinion, higher speeds are warranted to promote the normal and reasonable movement of traffic, provided that such increased speed shall not exceed 60 miles per hour for pleasure vehicles, except on the interstate system such increased speed shall not exceed 70 miles per hour for pleasure vehicles, and 50 miles per hour for commercial vehicles registered for over 6,000 pounds or school buses, conveying children to and from school or a school event. This section shall not apply to that portion of the interstate system which is part of the Maine Turnpike.

It shall be unlawful to drive in excess of such speeds as may be fixed pursuant to this section provided that notice of such changes in speed shall be given by signs which shall be erected by the state highway commission and which appear on the highway. The presence of such signs on the highway shall be prima facie evidence that they were erected in accordance with this section, that they provide the notice required by this section and that the speeds indicated thereon were fixed in accordance with this section.

Notwithstanding the provisions of this section, the state highway commission shall not be required to erect speed signs on any town ways or unimproved state aid highways. (1957, c. 317, § 5; c. 423, § 2. 1959, c. 71; c. 72, § 1.)

Effect of amendments. — The 1957 amendment rewrote this section, adding the last two paragraphs.

This section was amended twice by the 1959 legislature. Chapter 71 added the provisions as to the interstate system in the first paragraph. Chapter 72 substituted the words "Except as provided in section 113-D and notwithstanding" for the word "notwithstanding" at the beginning of the first paragraph.

Editor's note.—P. L. 1957, c. 423, § 3, repealed P. L. 1957, c. 317, § 7, formerly reading 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." P. L. 1957, c. 423 became effective on October 31, 1957.

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. 113-D. Speed limitations on highway under construction.—Notwithstanding the provisions of section 113, subsection II and section 113-B, the state highway commission shall have authority to restrict the speed of all motor vehicles at any and all points on a highway under construction where in the opinion of the commission a rate of speed less than that now authorized by law will minimize the danger of accident and in each such place shall fix the rate of speed in accordance with its own judgment.

It shall be unlawful to drive in excess of such speeds as may be fixed pursuant to this section provided that notice of such changes in speed shall be given by signs which shall be erected by the commission and which appear on the highway. The presence of such signs on the highway shall be prima facie evidence that they were erected in accordance with this section, that they provide the notice required by this section and that the speeds indicated thereon were fixed in accordance with this section. This section shall not apply to construction areas on the Maine Turnpike. (1959, c. 72, § 2.)

Sec. 117. Limitations on overtaking; overtaken vehicle to give way; driving to left; U turns.—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; c. 308, § 6; c. 429, § 32.)

Effect of amendments.—This section was amended three 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 could not be given both amendments, the second amendment was set out in this note.

Chapter 429 re-enacted this section as rewritten by the first 1957 amendment without further change.

Effective date.—P. L. 1957, c. 429, became effective on its approval, October 31, 1957.

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 me-

median strip, carrying traffic in the opposite direction" near the beginning of the section.

Sec. 123. Turning movements and required signals.

Cited in *White v. Schofield*, 153 Me. 79, 134 A. (2d) 755.

Sec. 124. Signals by hand and arm or signal device.

Cited in *White v. Schofield*, 153 Me. 79, 134 A. (2d) 755.

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.

Cited in *White v. Schofield*, 153 Me. 79, 134 A. (2d) 755.

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. 136. Display of lights.—Every vehicle, whether stationary or in motion, on any way or bridge shall have attached to it a light or lights so displayed as to be visible from the front and rear thereof during the period from ½ hour after sunset to ½ hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead. This section shall not apply to any vehicle which is designed to be propelled by hand, nor to any vehicle not in motion and parked or beside a curb in a place and under conditions where there is sufficient artificial light to make such vehicle

clearly visible from a distance not less than 100 feet in each direction. (R. S. c. 19, § 112. 1959, c. 126.)

Effect of amendment.—The 1959 amendment made a former proviso into the second sentence of this section and added at the end of the first sentence the language beginning "and at any other time."

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 electric 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 2½ 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 ½ hour after sunset to ½ 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:

I. On any truck with a gross registered weight of 6,000 pounds or less; or

II. On dump trucks while working on construction or reconstruction projects in any construction area established by the state highway commission and on any way between the project and a pit or quarry where materials are being obtained when the pit or quarry is within 7 miles of the construction area; or

III. On truck tractors when not hauling a trailer or semi-trailer.

This section shall not apply to fire department vehicles or to motor vehicles equipped with fenders or to motor vehicles with stake bodies which extend not less than 6 feet beyond the rear axle and which are registered under the farm truck statute. (1955, c. 339. 1957, c. 257. 1959, c. 278.)

Effect of amendments. — 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. The 1959 amendment rewrote this section.

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. 144-A. Signal lights for volunteer fire departments authorized.—When authorized by the municipal officers of a municipality, countersigned by the fire chief, a red blinker or flashing red signal light, not more than 5 inches in diameter, may be mounted as near as practicable above the registration plate on the front of a motor vehicle operated by a member of a volunteer fire department. Such light may be displayed but shall not be in operation except while such vehicle is in use for fire or other emergency service. No volunteer fireman shall operate a red blinker or flashing red signal light upon such motor vehicle, except while actually enroute to the scene of a fire or other emergency requiring his services and unless he shall be an active member of such department. (1959, c. 298.)

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.

Violation is not contributory negligence as a matter of law.

A pedestrian who walks along a gravel strip on the side of a cement roadway in the same direction of automobile traffic is not guilty of contributory negligence, as a matter of law, notwithstanding this section, where the facts show that snow had fallen during the night and the

sidewalks had not been plowed. *Cameron v. Stewart*, 153 Me. 47, 134 A. (2d) 474.

But should be submitted to jury.

In accord with original. See *Cameron v. Stewart*, 153 Me. 47, 134 A. (2d) 474.

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 appeared 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.

The core of the offense of "reckless driving" plainly lies not in the act of operating a motor vehicle, but in the manner and circumstances of its operation. *State v. Houde*, 150 Me. 469, 114 A. (2d) 366.

Complaint insufficient. — A complaint charging merely the operation of a motor vehicle "in a reckless manner" insufficiently informs the accused of the nature and cause of the accusation. *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 10 days nor more than 11 months, which jail sentence shall not be suspended, 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, which jail sentence shall not be suspended, 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 after the expiration of one 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, except 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 of a violation of the provisions of this section, only those prior convictions had within the 10 years immediately preceding a conviction shall be considered.

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. 1959, c. 144; c. 247, §§ 1, 2.)

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.

This section was amended twice by the 1959 legislature. Chapter 144 divided the next to the last paragraph into four sentences, rewrote the last sentence of that paragraph and made minor changes in wording and punctuation. Chapter 247, § 1, rewrote the second sentence and section 2 thereof added the words "which jail sentence shall not be suspended" to the second sentence from the end of the first paragraph.

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; *State v. Libby*, 153 Me. 1, 133 A. (2d) 877.

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 *eiusdem 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.

Intoxication and state of being “under the influence” of liquor distinguished.

Generally “intoxication” refers to the excessive use of alcoholic liquors. The addition of the word “intoxicating” or some “other appropriate description” would not add to, or better describe, the statutory violation. *State v. Croteau*, 153 Me. 126, 135 A. (2d) 282.

Judicial notice that overindulgence or consumption of drugs causes user to be under influence.—The supreme court will take judicial notice of the well recognized fact that overindulgence or consumption of drugs of any kind causes the user to be under the influence of drugs and if he operates a motor vehicle while in that condition, is guilty of a violation of this section. This section does not specify or mention the use of intoxicating drugs. *State v. Croteau*, 153 Me. 126, 135 A. (2d) 282.

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.

A charge that one operated a motor vehicle while under the influence of “drugs” is not demurrable on the ground of vagueness.—See *State v. Croteau*, 153 Me. 126, 135 A. (2d) 282.

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.)

Use of definition from Restatement of Torts.—It is of interest that the legislature used the definition from the Restatement of Torts, § 500, in creating the misdemeanor of reckless homicide in this section. Blanchard v. Bass, 153 Me. 354, 139 A. (2d) 359.

Sec. 152. Operating motor vehicle at grade crossings; to stop if warning signal indicates approach of train.

Whoever violates the provisions of this section shall, upon conviction, be punished as provided by section 149. (R. S. c. 19, § 123. 1945, c. 91. 1959, c. 198.)

Effect of amendment.—The 1959 amendment struck out the words “and in addition thereto his license to operate shall be suspended or revoked”, formerly appearing at the end of the second para-

graph. Since the amendment affected the second paragraph only, the first paragraph is not set out.

Quoted in *Gregory v. James*, 153 Me. 453, 140 A. (2d) 725.

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. 156. Owner of motor vehicle liable for damages caused by minor under 18 operating with his authority.

Construction, interpretation and purpose of section.—This section is in derogation of common law and so must be accorded strict interpretation. *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

This section concerns itself only with minors under 18 as bailee, a group almost uniformly impecunious. It would seem that when the statute was promulgated as law the remedy fashioned was designedly financial and any consequential deterrence effected, so far as it was envisioned at all, was a fortuitous by-product. *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

In considering this section in correlation with the old law, the mischief obtaining and the remedy supplied we find that as originally enacted by P. L. 1929, c. 327, § 10 the section was verbatim as it now stands, save for the latter substitution of “operate” and “operating” for the original “drive” and “driving.” *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

Our court, in speaking of this section in *Strout v. Polakewich*, 139 Me. 134, 140, 27 A. (2d) 911 accounts for the legislation as follows:

“Apparently this part of the statute was added because the legislature mistrusted the judgment and sense of responsibility of minors under eighteen years of age, in the use of motor vehicles upon the highway. For that reason, those persons who were responsible for such use, by giving or furnishing such vehicles to such minors, are made liable for damages caused

by the negligent operation of such vehicles on the highway by such minors” *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

A further sanction for the section could have been an exercise of police power, a measure of health and welfare regulatory of the use of public highways by motor vehicles. *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

Necessity of proof, etc.

In accord with first and second paragraphs in original. See *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

Statutory bailor not precluded from recovering damages from a negligent third party. — The statutory bailor, because of this section, is not, expressly or by necessary implication, precluded by the contributory negligence of his bailee from recovering damages from a negligent third party who with the bailee caused the damage to bailor's motor vehicle. *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

The phrase, “liable with such minor,” accepted for the familiar and commonplace language which it is, connotes a legal responsibility and accountability of the bailor with the bailee to third persons. It has never been customary or conventional usage to allude to a person as being liable to himself in expounding that he cannot recover from others for his damages but must defray his own losses. *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

Contributory negligence of an eighteen

year old minor who is driving his father's automobile upon a personal mission is not imputable to the father-owner so as to preclude the father's right to recovery for damages to his automobile, even though this section provides that "any person who gives or furnishes a motor vehicle to such minor, shall be jointly and severally liable with such minor for any damages caused by the negligence of such minor in operating such vehicle." *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

From a consideration of the language of this section it seems clear that the legislature in framing it sensed and felt no existing advantage to be secured from including within the subject matter and purview of the section the attributing of the bailee's contributory negligence to the bailor. *York v. Day's, Inc.*, 153 Me. 441, 140 A. (2d) 730.

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 operate the vehicle upon the public ways, shall be jointly and severally liable with the renter for any damages caused by the negligence of the latter in operating the vehicle and for any damages caused by the negligence of any person operating the vehicle by or with the permission of the person so renting the vehicle from the owner, except that the foregoing provisions shall not confer any right of action upon any passenger in any such rented vehicle as against the owner, but nothing herein contained shall be construed to prevent the introduction as a defense of contributory negligence to the extent to which such defense is allowed in other cases. (R. S. c. 19, § 128. 1955, c. 370, § 3.)

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

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. The county shall retain \$5 of each such overload fine collected through any trial justice or municipal court; 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. (R. S. c. 19, § 134. 1951, c. 293. 1957, c. 221; c. 334, § 3; c. 429, § 33.)

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. The third 1957 amendment rewrote this sec-

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.

tion, transferring the second exception, previously added to the second sentence, to the end of the third sentence.

Effective date.—P. L. 1957, c. 429, became effective on its approval, October 31, 1957.

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.

Sec. 165. Court record of conviction sent to secretary of state; public record.—Every court and trial justice in every case wherein a person is convicted of the violation of any statute relative to motor vehicles or to the operation of any vehicle shall forthwith transmit to the secretary of state an abstract, duly certified, setting forth therein the names of the parties, the nature of the offense, the date of hearing, the plea, the judgment and the result; and in cases involving any violation of sections 112 to 113-C the abstract shall contain the legal speed involved and the speed of which the person was convicted; and they shall be open to public inspection during reasonable hours. Said magistrates may make such recommendations to the secretary of state as to suspension or revocation of licenses and certificates of registration of respondents as they deem to be in furtherance of justice. (R. S. c. 19, § 136. 1959, c. 227.)

Effect of amendment.—The 1959 amendment added the provision relative to cases

involving the violation of sections 112 to 113-C.