

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1963 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 1

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**Discard Previous Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1963

**Chapter 22.****Motor Vehicles. Financial Responsibility Law.**

Sections 13 to 47-A. Registration. Fees. Conditions. Transfers. Reserved Plates.  
Temporary Plates. Manufacture of Plates. Equipment.  
Sections 65-A to 65-I. Commercial Driver Education Schools.  
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;

**IV. Motorcycle.** Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

“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.

**IX. Owner.** “Owner” for the purposes of registration only shall mean any person, firm, corporation or association holding title to a motor vehicle or having exclusive right to the use thereof for a period greater than 30 days 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, this definition shall not apply when said vehicle is engaged exclusively for the use set forth in chapter 48, section 29, subsection I, paragraph E, 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. 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;

“Section.” Repealed by Public Laws 1961, c. 417, § 33.

“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. 1961, cc. 72, 117; c. 417, § 33.)

**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”.

Chapter 72, P. L. 1961, rewrote the definition of “motorcycle”. Chapter 117, P. L.

1961, substituted “holding title to a motor vehicle or having exclusive right to the use thereof for a period greater than 30 days” for “owning a vehicle” near the beginning of the definition of “owner” and made other minor changes in that definition. Chapter 417, P. L. 1961, deleted the definition of “section.”

Only the subsections or 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. 4. Hearings; fees of witnesses; summary process.**—In the administration of the laws relative to motor vehicles and to the operators and the operation thereof, the secretary of state or his deputy may conduct hearings, subpoena witnesses, administer oaths, take testimony and order the production of books and papers, and for the purposes mentioned in this chapter may issue all processes necessary for the performance of his duties. The fees for travel and attendance of witnesses shall be the same as for witnesses before the superior court and shall be paid by the state out of motor vehicle registration fees upon certificates of the secretary of state filed with the controller. The superior court on the petition of the secretary of state, may issue summary process to enforce the lawful orders of the secretary of state in any matter. (R. S. c. 19, § 4. 1947, c. 93. 1961, c. 417, § 34.)

**Effect of amendment.**—The 1961 amendment substituted “The” for “Any justice of the” at the beginning of the last sentence.

**Sec. 5-A. Certificate as evidence.**—The certificate of the secretary of state or his deputy, under seal of the state, shall be received in any court in this state as prima facie evidence of the issuance, suspension or revocation of any operator’s license or any certificate of registration of any motor vehicle. (1961, c. 128, § 1.)

**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 or right to operate a motor vehicle or right to obtain an operator’s license 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 or fails or refuses to surrender to the secretary of state upon demand any operator's license issued in this state or any other state which has been suspended, cancelled or revoked by proper authority in this state or any other state, as provided by law shall be punished as provided in section 164. (R. S. c. 19, § 6. 1955, c. 10, § 1. 1959, c. 207, § 1. 1961, c. 128, § 2; c. 287, § 3; c. 417, § 35. 1963, c. 137.)

**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.

P. L. 1961, c. 128, § 2, inserted "or right to operate a motor vehicle" in the first sentence. P. L. 1961, c. 287, § 3, gave effect to the earlier 1961 amendment and also inserted "or right to obtain an op-

erator's license" in the first sentence. P. L. 1961, c. 417, § 35, reenacted the first sentence as amended without change.

The 1963 amendment added "or fails or refuses to surrender to secretary of state upon demand any operator's license issued in this state or any other state which has been suspended, cancelled or revoked by proper authority in this state or any other state as provided by law" in the last paragraph.

**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 30 days thereafter appeal to the superior court by complaint. The court shall fix a time and place for hearing and cause notice thereof to be given to the secretary of state. After hearing the court may affirm or reverse the decision of the secretary of state or the deputy secretary of state and the decision of the court 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. 1961, c. 317, § 23.)

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

Prior to the 1961 amendment, this section consisted of three sentences, the ap-

peal was filed within "10 days" to "any justice of the superior court" by presentation of a "petition" to him in term time or vacation and the hearing was set by and held before the justice.

**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.**

**Sec. 13. Registration; application; certificates.** — Except as section 67 provides for reciprocity with other states, any resident of this state and any owner, as defined in section 1, shall register any vehicle to be operated or to remain on any way in this state, except that residents of this state who have been required to register a vehicle in another state may operate said vehicle in this state for a period not to exceed a total of 30 calendar days in any one year.

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 secretary of state is authorized to design and to issue registration plates for antique motor vehicles. The fee for the registration of an antique motor vehicle shall be \$7.50.

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.

No registration shall be required of a farm trailer when the same is used solely for farming purposes, and such farm trailers may be operated, without registration, 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 trailer. Such

farm trailers may be operated without registration 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.

Replacement number plates shall be furnished to replace lost or mutilated plates for \$1 each.

Replacement inserts for number plates shall be furnished to replace lost or mutilated inserts for 50¢ 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 or the state police 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 upon certification by the Veterans Administration 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 and shall bear the words "Disabled Veteran."

The secretary of state on application shall issue, with the payment of \$1, a set of special designating plates to be used in addition to the regular registration plates, to any handicapped person, when such application is accompanied by the certification of at least 2 physicians as to such person's physical disability.

The secretary of state on application shall issue, without the payment of any

fee, a registration certificate and registration plates for a motorized invalid chair owned and operated by any invalid person when such application is accompanied by the certification of at least 2 physicians as to such person's physical incapacity.

The secretary of state shall restrict the operation of such motorized invalid chairs to those streets and highways and hours of the day as will, in his judgment, minimize the danger of injury to the operator. Chapter 15, section 13-A, shall not apply to such invalid chairs but the secretary of state shall not issue such registration unless he is satisfied that such chair is equipped with an adequate stopping and holding device and means of giving audible signal.

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. 1961, cc. 46, 73; c. 76, §§ 1, 2; c. 205; c. 209, § 1; c. 261, § 1. 1963, cc. 88, 259, 270; c. 300, § 1.)

**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 present fifteenth 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 present fifteenth paragraph into three sentences and inserted in the third sentence "and all vehicles owned by a municipal fire department or an organized volunteer fire department" immediately following "state highway commission"; however, chapter 397 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 fifteenth) 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.

This section was amended six times in 1961. Chapter 73 again rewrote the first paragraph, which formerly did not contain the exception as to § 67. Chapter 261 rewrote the fifth paragraph, which formerly provided for an identifying tab and a fee of \$5.00. Chapter 76 substituted "replacement" for "extra" at the beginning of the thirteenth paragraph, increased the charge from 75¢ to \$1 in that paragraph and added the present fourteenth paragraph. Chapter 46 added "or the state police" in the third sentence of the former fourteenth (now fifteenth) paragraph. Chapter 205 added the present twentieth paragraph and c. 209 added the present twenty-first and twenty-second paragraphs.

This section was amended five times in 1963. Chapter 88 added "upon certification by the Veterans Administration" to the first sentence of the twentieth paragraph and substituted "and shall bear the words 'Disabled Veteran'" for "upon certification by the Veterans Administration" at the end of the second sentence of the twentieth paragraph. Chapter 248, § 1, raised the fee in the thirteenth paragraph from \$5 to \$15, but section 3 provided that this amendment would take effect on January 1, 1968, only if all of the other New England states adopted similar legislation and further provided that the secretary of state shall determine when the other New England states have so adopted similar legislation. Chapter 259 added the present tenth paragraph. Chapter 270 added



all of the first paragraph after the words "in this state." Chapter 300 substituted "chapter 15, section 13-A" for "section 45" at the beginning of the second sentence of the twenty-third paragraph.

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

Section 3 of c. 261, P. L. 1961, provides that the act shall become effective with the registration year 1962.

Section 2 of c. 209, P. L. 1961, provides that the act shall become effective with the registration year 1962.

**Sec. 15-A. Payment of excise, personal property or real estate tax before registration.**—No motor vehicle or house trailer shall be registered under this chapter until the excise tax or personal property tax or real estate tax has been paid in accordance with chapter 91-A, sections 4, 124 and 126. (1959, c. 308, § 3. 1963, c. 304, § 1.)

**Effect of amendment.**—The 1963 amendment added "or real estate tax" after "personal property tax" and added the reference to section 4.

## **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)

**B.** Used for livery or hire, double the fee provided in paragraph A. Private automobiles occasionally employed for use at funerals by a duly registered or licensed undertaker and not otherwise used for hire shall not be subject to such double fee. Funeral coaches and funeral hearses used by a duly registered or licensed undertaker incident to the business of a mortician shall pay in accordance with the fee provided in paragraph A, but shall not be required to pay double. All funeral coaches or funeral hearses used for hire for any other purpose than that incident to the business of a mortician shall pay the same registration fee as required for motor vehicles used for livery or hire. Motor vehicles used for no other passenger service or hire than for the transportation of school children to and from school are not subject to the double registration fee. (1961, c. 395, § 5.)

### **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 fee provided in paragraph A. Except that notwithstanding any other provisions in this section, an owner or operator of interstate motor buses used for the transportation of passengers for hire, operating a fleet of 2 or more motor buses under the authority of the interstate commerce commission and the public utilities commission, shall register and pay registration fees, as scheduled in this section, for that number of motor buses of the owner or operator as the proportion which the mileage of all such motor buses of the owner or operator, operated in this state bears to the total mileage of all such motor buses of the owner or operator operated both within and without the state in accordance with the owner or operator or his or its predecessor's operation of the preceding year, and the secretary of state is authorized to promulgate such rules and regulations as may be necessary to effectuate such apportionment. Motor vehicles owned by residents of any state, province or foreign country, where residents of this state registering motor vehicles are required to pay double the fees charged against resident owners, shall pay double the fee provided in paragraph A, whether

for private use or for livery or hire. (1957, c. 285; c. 330, § 2; c. 411, §§ 1, 2, 1961, c. 395, § 6.)

**D.** The secretary of state is authorized to issue a temporary registration permit for the purpose of facilitating the movement over the highway of certain vehicles otherwise required to be registered, when such vehicles are to be used for a specified trip within a limited period of time.

Such registration shall be for one trip only, between the points of origin and destination and such intermediate points as may be set forth in the application and registration certificate, and, except where the vehicle is a bus operating under charter which is not covered by a reciprocity agreement with the state or country in which it is registered, such registration shall be for the transit of the vehicle only, and the vehicle shall not at the time of the transit be used for the transportation of any passengers or property whatsoever, for compensation or otherwise, unless specifically authorized by the secretary of state and so indicated on the registration permit. In no case shall such temporary registration be valid for a period longer than 15 days from the effective date of the registration.

Such registration may be obtained by submitting application therefor on a form prescribed and furnished by the secretary of state. A fee of \$5 shall accompany each such application. If the secretary of state is satisfied that such temporary registration is necessary for the purposes stated he shall issue a registration certificate which shall be carried in the vehicle at all times. This paragraph applies to registration of vehicles only and nothing herein shall be construed to authorize the operation or movement of any vehicle in this state in violation of any other laws of this state. The secretary of state may waive chapter 15, section 13-A with respect to vehicles operated in accordance with this paragraph. Any person who shall operate or move any vehicle under registration provided for herein outside the routes specified shall, upon conviction, be punished by a fine of not less than \$25, nor more than \$200. (1951, c. 75. 1955, c. 200, § 1. 1957, c. 300, § 3. 1959, c. 363, § 9. 1963, c. 268, § 1; c. 300, § 3.)

**D-1.** The secretary of state may issue upon application and the payment of a fee of \$2, a special registration permit authorizing the limited operation on the highway of self-propelled golf carts, lawn mowers and other such vehicles of a similar nature with such restrictions and limitations as to use as will, in the opinion of the secretary of state, minimize the danger to the operator thereof. Such special registration permits shall be valid for use until March 1st of the next calendar year. No operator's license shall be required for such limited operation of said vehicles, and such vehicles shall be exempt from the laws regulating the inspection of motor vehicles. (1963, c. 268, § 2.)

**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. The maximum fee for all farm trailers, whether semi-trailers or four-wheeled type, equipped with pneumatic tires, 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.

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; provided that driveaway, towaway operations, as defined by the public utilities commission, may include a combination of saddlemount vehicles not to exceed 3 units in contact with surface of the highway.

No motor vehicle, or combination of motor vehicle and trailer or semi-trailer, except fire department vehicles, shall exceed in length 55 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. 1961, cc. 52, 146, 352.)

**V.** Repealed by Public Laws 1963, c. 221, § 1.

**V-A. Antique motor vehicles** ..... \$7.50 each.  
(1955, c. 351, § 3. 1961, c. 417, § 36.)

**V-B. Stock race cars** ..... \$5.00 each.  
(1959, c. 99, § 3.)

**VI. Computation of fees.** In computation of fees for a combination of truck tractor and semi-trailer, the vehicle to be registered for gross weight shall be the truck tractor which shall take the same rating as a truck of similar gross weight.

On any application for registration applied for by an owner of a motor vehicle or trailer, not including a log hauler or traction engine, during the period between the 1st day of September and the 31st day of December,  $\frac{1}{2}$  the registration fee shall be charged. The secretary of state upon granting the application shall register in a book or upon suitable index cards to be kept for the purpose, the vehicle described in the application, giving to its owner a distinguishing number or other mark and shall thereupon issue a certificate of registration which shall contain the name, place of residence and address of the owner. [1947, c. 348, § 2; c. 352, §§ 1, 2. 1949, c. 104, §§ 6, 7; c. 349, § 21. 1961, c. 395, § 7.] (R. S. c. 19, § 15. 1947, cc. 166, 183; c. 348, §§ 2, 3; c. 352, §§ 1, 2. 1949, c. 104, §§ 2, 3, 4, 5, 6, 7; c. 349, § 21. 1951, c. 75; c. 235, § 2. 1953, c. 139; c. 346, §§ 1, 2; c. 308, § 15. 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. 1961, cc. 52, 146, 352; c. 395, §§ 5, 6, 7; c. 417, § 36. 1963, c. 221, § 1; c. 268, §§ 1, 2; c. 300, § 3.)

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

This section was amended six times in 1957. Chapter 45 added the paragraph set out under subsection II as the last paragraph of such subsection. Chapter 285 inserted the second sentence in subparagraph 2 of paragraph C of subsection I. Chapter 308 rewrote the sentence which comprises the fifth paragraph of subsection III. Chapter 309 rewrote the sixth paragraph of subsection III. Chapter 330, section 1, increased the fees in paragraph A of subsection I and section 3 thereof increased the fee in the next to the last sentence in paragraph D of subsection I. By section 7 of chapter 330, the increase in fees made by said act is made effective for the calendar year 1958. Chapter 411 increased the fees provided in subparagraph 2 of paragraph C of sub-

section 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.

This section was amended five times in 1961. Chapter 395, effective on its approval, June 17, 1961, divided the former first sentence of paragraph B, subsection I, into three sentences, divided the former second sentence therein into two sentences and made other minor changes in that paragraph. The amendment also substituted “fee” for “fees” in the first and last sentences of subparagraph 2, paragraph C, subsection I, and repealed the first four paragraphs of subsection VI. Chapter 146

inserted "farm" preceding "trailers" in the second sentence of the second paragraph of subsection III, deleted "and drawn at all times exclusively by farm tractors" in that sentence, made other minor changes in the sentence and repealed paragraph C of the subsection. Chapter 52 added the proviso at the end of the fifth paragraph of subsection III. Chapter 352 increased the maximum length from 50 to 55 feet in the sixth paragraph of subsection III. Chapter 417, § 36, increased the fee in subsection V-A from \$5 to \$7.50.

This section was amended four times in 1963. Chapter 221 deleted former subsection V. Chapter 248, § 2, added a new subsection III-A which provided a fee of \$15 for semi-trailers, but chapter 248, § 3, provided that this amendment would take effect on January 1, 1968, only if all of the other New England states adopted similar legislation and further provided that the secretary of state shall determine when the other New England states have so adopted similar legislation. Since chapter 248 is prospective, it was not given effect in this supplement. Chapter 268, § 1, rewrote paragraph D of subsection I. Chapter 268, § 2, added paragraph D-1 of subsection I. Chapter 300, § 3, amended

the former last sentence of paragraph D of subsection I prior to the first amendment of 1963 by deleting the reference to § 45 and substituting the reference to chapter 15, § 13-A and this amendment was given effect in the second sentence of the present fourth paragraph of paragraph D of subsection I.

Only the subsections or paragraphs affected by the amendments are 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 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."

### **Sec. 17. Insurance for motor vehicles carrying passengers for hire.**

—The secretary of state shall not register any motor vehicle rented or leased on plans commonly known as U-Drive, Drive Yourself or Driverless Car plans nor any motor vehicle used for livery or hire, except as provided in chapter 48, section 10, or as a school bus, and no person, firm or corporation shall operate or cause to be operated upon any public highway in this state any such motor vehicle, until the owner or owners thereof shall have procured insurance or a bond, having a surety company authorized to transact business in this state or 2 individuals as sureties thereon, in the amount of \$10,000 because of bodily injury or death to any one person, and subject to said limit respecting one person, in the amount of \$20,000 because of bodily injury to or death to 2 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, which insurance or bond shall be approved by the secretary of state and shall indemnify the insured against any legal liability for personal injury, the death of any person or property damage, which injury, death or damage may result from or have been caused by the operation of the motor vehicle described in the contract of insurance or such bond. The secretary of state shall not approve the policy or bond unless it provides primary coverage for the operator as well as the owner. (R. S. c. 19, § 16. 1949, c. 40. 1951, c. 37. 1953, c. 308, § 16. 1961, c. 191. 1963, c. 82.)

**Effect of amendments.**—The 1961 amendment added the last sentence.

The 1963 amendment added "rented or leased on plans commonly known as U-Drive, Drive Yourself or Driverless Car

plans nor any motor vehicle" following "motor vehicle" near the beginning of the first sentence and changed the order of reference to § 10 near the beginning of such sentence.

### **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. Not more than 1 set of number plates shall be displayed upon any vehicle, except as may be otherwise permitted by law.

Farm trucks, or any vehicle used for hauling forest products and required by law to be registered, may attach the number plate by means of a rigid or semi-rigid bracket design so as to allow the plate to swing freely.

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

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

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

If any number plate is lost or the register number thereon becomes mutilated or illegible, the owner or person in control of the vehicle for which said number plate was furnished shall immediately place a temporary number plate bearing his register number upon said vehicle. Such temporary number plate shall conform to the register number plate and shall be displayed as nearly as possible as provided in this chapter for said regular number plate, and such person shall within 24 hours after such loss or mutilation give notice thereof to the secretary of state and apply for new number plates. 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 \$1 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, representatives of the Indian tribes at the legislature, president of the senate, speaker of the house, secretary of the senate and the clerk of the house, issue one pair of specially designed number plates and a certificate of registration for one designated motor vehicle owned or controlled by each of the officials named. 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. 1961, c. 76, § 3; c. 235. 1963, c. 161, §§ 1, 2.)

**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.

Chapter 76, P. L. 1961, divided the second sentence of the present eighth paragraph into two sentences and increased the fee near the end of that paragraph from 75¢ to \$1. Chapter 235, P. L. 1961, inserted "representatives of the Indian tribes at the legislature" in the first sentence of the last paragraph.

The 1963 amendment deleted "and shall be so fastened as not to swing and its lower edges shall be at least 12 inches from the ground" at the end of the second sentence of the third paragraph and added the present fourth paragraph.

**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
From 60,001 pounds gross weight to 65,000 pounds gross weight	\$495
From 65,001 pounds gross weight to 70,550 pounds gross weight	\$545
From 70,551 pounds gross weight to 73,280 pounds gross weight	\$600

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. For any additional gross weight above 18,000 pounds, farm motor trucks registered under this section may receive a short-term permit in accordance with this section by paying a percentage of the difference between the amount paid for the farm motor truck registration and the annual commercial truck fee for the desired tonnage in accordance with the permit table contained in this section. Farm trucks for which a short-term permit in excess of 18,000 pounds gross weight has been issued may be used for the transportation of logs, lumber and pulpwood cut on a farm or farms owned, operated or occupied by the registrant where the production thereof is incidental to other farm operations conducted 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. 1961, c. 182; c. 346, § 1. 1963, c. 356, § 1.)

**Effect of amendments.**—The 1955 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 seventeenth and eighteenth categories in the first paragraph. By section 2 of such amendatory act the registration fees provided by such act were made effective for the calendar year 1958.

Chapter 408 and also chapter 411, § 4, rewrote the second paragraph which was inserted in 1955, and chapter 408 inserted 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.

Chapter 346, P. L. 1961, inserted the two items next preceding the last item in the first paragraph. Chapter 182, P. L. 1961, inserted the present third and fourth sentences in the second paragraph.

The 1963 amendment added "from 70,551 pounds gross weight to 73,280 pounds gross weight \$600" at the end of the first paragraph.

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. 21. Motor vehicle dealer registration board.**—The Maine motor vehicle dealer registration board, as heretofore established, shall consist of 5 members, 2 of whom shall be new motor vehicle dealers, 2 of whom shall be used motor vehicle dealers and 1 of whom shall be a person other than a motor vehicle dealer. The members of the board shall be appointed by the governor with the advice and consent of the council for terms of 3 years. The members of the board may be removed for cause, by the governor, with the advice and consent of the council. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. The secretary of state shall be a member ex officio. (1953, c. 70, § 1. 1963, c. 296, § 1.)

**Effect of amendment.**—The 1963 amendment, effective beginning with the motor vehicle registration year 1964, added the last sentence.

**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 transporter registration plates presented to the secretary of state and, in accordance with this chapter, order the secretary of state to issue or to refuse to issue such motor vehicle dealer or transporter registration plates. (1953, c. 70, § 2. 1957, c. 76, § 1. 1963, c. 240, § 2; c. 414, § 3-A.)

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

P. L. 1963, c. 240, § 2, substituted “hearing officer” for “board” in the former sec-

ond sentence of this section. P. L. 1963, c. 414, § 3-A, which becomes effective beginning with the motor vehicle registration year 1964, substituted “transporter” for “transit” in two instances in the first sentence and deleted the former second sentence.

**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 engaged in the business of buying and selling of motor vehicles, and is satisfied with the other facts stated in the application, and if satisfied that the applicant meets the minimum standards herein set forth, 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 engaged in the business of buying and selling motor vehicles, and must continue to meet the minimum standards herein set forth. To qualify as a dealer in new motor vehicles for the purposes of this chapter, an applicant must possess a franchise contract from a manufacturer of motor vehicles and furnish the board with a certificate from said manufacturer or its distributor that said contract is in force; must have proper facilities for the display and storage of new and used motor vehicles, a repair department capable of taking care of at least 2 motor vehicles simultaneously, exclusive of grease pit or rack; must maintain an office and parts department suitable to conduct business; must possess sufficient tools and equipment for proper servicing and keep employed at least one mechanic having a thorough knowledge of the product handled, all in accordance with the rules, regulations and standards promulgated and established by the board. To qualify as a dealer in used motor vehicles for the purpose of this chapter, an applicant must have proper facilities for the display of used motor vehicles, a suitable office in which to conduct business, and a suitable sign identifying the place of business; must maintain a repair department capable of taking care of at least 2 motor vehicles simultaneously exclusive of grease pit or rack, and sufficient tools and equipment for proper servicing; and must keep employed at least one mechanic having a thorough knowledge of the product handled; all in accordance with the rules, regulations and standards promulgated and established by the board; provided, however, that the requirements as to dealers in used motor vehicles pertaining to repair and servicing facilities and mechanics shall not apply to present holders of motor vehicle dealer registration plates, or the holders of transit registration plates who have filed evidence as required by law of at least 12 bona fide sales of motor vehicles during the 12 months preceding the effective

date of this act. The board is authorized and empowered to promulgate and establish rules, regulations and standards, not contrary to the laws of the state, to effectuate the purposes of the law relating to dealer and transporter vehicle registration in the manner prescribed by chapter 20-A. 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 \$1 each. On applications for registration, or for additional plates applied for during the period between the first 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. 1963, c. 221, § 2; c. 296, § 2.)

**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 present tenth 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 present eleventh sentence relative to number of additional plates, and made

other minor changes in the present tenth and eleventh sentences.

P. L. 1963, c. 221, § 2, increased the fee in the present twelfth sentence from 75¢ to \$1. P. L. 1963, c. 296, § 2, effective beginning with the motor vehicle registration year 1964, deleted "principally" and "also" and added "and if satisfied that the applicant meets the minimum standards herein set forth" in the present third sentence, deleted "principally" and added "and must continue to meet the minimum standards herein set forth" in the present fifth sentence, added the present sixth, seventh and eighth sentences and re-enacted the present twelfth sentence as amended without change.

## **Sec. 26-A. Transporter registration plates; application; fees. —**

**I. Application.** Heavy equipment dealers, farm machinery dealers, trailer dealers, semi-trailer dealers, dealers in mobile homes, finance companies, banks and junk dealers may make application to the board, upon a blank provided for that purpose, for a transporter registration certificate and plate, instead of registering each vehicle owned by them or temporarily in their custody, to be used for the transportation and delivery of such vehicles. Such enumeration shall be deemed a partial enumeration and shall not operate to exclude other persons, firms or corporations from making such application, provided the transportation and delivery of such vehicles is an ordinary and usual incident to the operation of their businesses.

**II. Fees.** Transporter plates shall be issued for the uses provided herein for a fee of \$25 each for the first 3 plates and \$10 for each additional plate. In no event shall any such plates be used in lieu of registration plates issued under sections 13 to 20; or be loaned to any person; or be used by the holder for personal purposes. The number of such plates to be issued shall be determined by the board, which is empowered to determine such uses and authorized to prescribe reasonable limitations of use of such plates. Replacement registration plates shall be furnished to replace lost or mutilated plates for \$1 each. (1955, c. 200, § 5. 1957, c. 76, § 4. 1959, c. 104, § 1. 1963, c. 221, § 3; c. 296, § 3.)

**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.

P. L. 1963, c. 221, § 3, added a new last sentence to the end of the former section which has been incorporated in this sec-

tion as the last sentence of subsection II. P. L. 1963, c. 296, § 3, effective beginning with the motor vehicle registration year 1964, rewrote this section and split it into two subsections.

**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 transporter registration certificate. (1957, c. 76, § 5. 1963, c. 296, § 4.)

**Effect of amendment.**—The 1963 amendment, effective beginning with the motor

vehicle registration year 1964, substituted "transporter" for "transit."

**Sec. 26-C. Insurance.**—The secretary of state shall not issue motor vehicle dealer, transporter, 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. 1963, c. 296, § 5.)

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

The 1963 amendment, effective beginning

with the motor vehicle registration year 1964, substituted "transporter" for "transit" near the beginning of the first sentence.

**Sec. 27. Denial, suspension or revocation of plates.**—The board, after examining an application for dealer or transporter registration plates, may order the secretary of state not to issue same stating the reason therefor. The secretary of state shall notify the applicant stating the reasons given by the board. An applicant denied dealer or transporter plates may appeal to the hearing officer, designated by chapter 20-A, by filing a complaint within 15 days after receiving notice of denial from the secretary of state. The board may review any dealer or transporter registration granted and file a complaint with the aforementioned hearing officer requesting the suspension or revocation of such registrations for any of the following reasons:

**I. No permanent place of business.** On proof that dealer no longer maintains a permanent place of business for buying and selling motor vehicles or ceases to meet the minimum standards established by section 26.

**II. Not engaged.** On proof that dealer is no longer engaged in the business of buying and selling motor vehicles.

**III. No records.** On proof that dealer or holder of a transporter registration certificate has failed to keep and submit any records provided for by law.

**IV. Convictions.** On proof that dealer or holder of a transporter registration certificate has been convicted of a violation of any of the provisions of this chapter or of chapter 134, section 38-B, or has violated any rules or regulations promulgated under chapter 20-A.

**V. Use of registration plate.** On proof that dealer or manufacturer or holder of a transporter registration plate has used or permitted the use of his registration plate on a motor vehicle not owned by or temporarily in the custody of the dealer or the holder of a transporter 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 transporter registration plate. The use of any such plate on any vehicle shall be prima facie evidence that such use was permitted by the plate holder.

**VI. Violated limitations of use.** On proof that the holder of a transporter registration certificate has violated any limitations of use imposed on such certificate by the board under section 26-A. (1953, c. 70, § 2. 1955, c. 200, § 6; c. 205, §§ 1, 2. 1957, c. 76, §§ 6, 7. 1959, c. 104, § 2; c. 302, § 1. 1961, c. 395, § 8; c. 417, § 37. 1963, c. 296, § 6; c. 414, §§ 3-B, 3-C.)

**Effect of amendments.**—This section was twice amended in 1955. P. L. 1955, c. 200, § 6, which became effective for the year 1956, made insertions in the first paragraph, since rewritten, and in the former next to the last paragraph, since deleted, and added the words “or holder of a transit registration certificate” in subsections III and IV. P. L. 1955, c. 205, added subsection V and added the former last paragraph, since repealed.

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.

This section was twice amended in 1961. P. L. 1961, c. 395, § 8, effective on its approval, June 17, 1961, added “or controlled”

in the first sentence of subsection V. P. L. 1961, c. 417, § 7, substituted “section 38-B” for “section 38-A” in subsection IV.

This section was twice amended in 1963. P. L. 1963, c. 296, § 6, effective beginning with the motor vehicle registration year 1964, substituted “transporter” for “transit” throughout the section, deleted “or holder of transit registration certificate” near the beginning of subsection I and added “or ceases to meet the minimum standards established by section 26” at the end of subsection I, deleted “principally” from subsection II, added “or has violated any rules or regulations promulgated under chapter 20-A” at the end of subsection IV and deleted the former last two paragraphs of the section. P. L. 1963, c. 414, effective beginning with the motor vehicle registration year 1964, rewrote the first paragraph in this section, added the word “by” and substituted “temporarily in the custody of” for “controlled by” preceding “the dealer” in subsection V.

**Sec. 28. Appeal.**—Any applicant for dealer or transporter registration plates whose appeal has been denied by the hearing officer or any dealer or holder of transporter registration plates whose registration plates have been suspended or revoked by the hearing officer may within 30 days after notice of the decision appeal to the superior court. Pending the decision of the court the dealer or transporter registration plates shall remain in effect. (1953, c. 70, § 2. 1955, c. 200, § 7. 1961, c. 317, § 24. 1963, c. 296, § 7; c. 414, § 3-D.)

**Effect of amendments.** — The 1955 amendment, which became effective for the year 1956, and the 1961 amendment made various insertions and changes in this section, which was rewritten in 1963.

P. L. 1963, c. 296, § 7, effective begin-

ning with the motor vehicle registration year 1964, substituted “transporter” for “transit” throughout this section. P. L. 1963, c. 414, § 3-D, effective beginning with the motor vehicle registration year 1964, rewrote this section.

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

**I. Demonstration, service or emergency purposes.** No motor truck, tractor or trailer registered under section 26 shall be used for other than demonstration, service or emergency purposes. When trucks, tractors or trailers bearing dealer 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.

**II. Vehicle loaned for demonstration or emergency purposes.** A vehicle loaned by a dealer to a customer for demonstration or emergency purposes may be operated on the registration plates of the dealer for not more than 7 consecutive days. The secretary of state may in his discretion extend said period of 7 consecutive days to no more than 30 consecutive days whenever he feels the need for such extension is justified.

**III. Permit to demonstrate loaded truck.** A dealer, to demonstrate a loaded truck bearing dealer 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.

**IV. Sale or exchange of motor vehicles or trailers.** Whenever a manufacturer or dealer or the holder of a transporter 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.

**V. Certificate for house trailers.** No house trailer, as defined in chapter 91-A, section 123, shall be moved over highways of this state through use of dealer plates or transporter plates issued by this state unless the operator of the vehicle hauling such trailer has in his possession a written certificate from the tax collector of the municipality from which the trailer is being moved, identifying the trailer and stating that all property taxes applicable to the trailer, including those for the current tax year, have been paid, or that the trailer is exempt from such taxes. The tax year shall be the period from April 1st through March 31st. (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. 1961, c. 105. 1963, c. 296, § 8; c. 349, § 1.)

**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.

The 1961 amendment added the second

sentence in subsection II.

P. L. 1963, c. 296, § 8, effective beginning with the motor vehicle registration year 1964, substituted "section 26" for "sections 21 to 29" in the first sentence of subsection I and deleted "or transit registration" following "dealer" near the beginning of the second sentence of subsection I, deleted "or the holder of a transit registration certificate" in two places in subsection II, deleted "or transit" before "registration plates" in subsection III and substituted "transporter" for "transit" in the first sentence of subsection IV. P. L. 1963, c. 349, § 1, added subsection V.

**Sec. 30. Motorcycle dealer's registration; fee.**—Every manufacturer or dealer in motorcycles shall annually pay a fee of \$15 for a registration certificate to handle, demonstrate, sell and exchange motorcycles. The secretary of state shall furnish the manufacturer of, or dealer in, motorcycles with 3 sets of distinguishing plates free of cost and additional sets for \$5 per set. For every plate

in addition to the 3 originally furnished to the manufacturer or dealer in motorcycles, to replace lost or mutilated plates, \$1 shall be charged. (R. S. c. 19, § 20, 1963, c. 221, § 4.)

**Effect of amendment.**—The 1963 amendment substituted “\$1” for “50¢” near the end of the last sentence.

**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, \$1 shall be charged. (1957, c. 337, § 1. 1959, c. 156, § 2. 1963, c. 221, § 5.)

**Effect of amendments.**—The 1959 amendment added the last two sentences to this section. The 1963 amendment substituted “\$1” for “75¢” near the end of the last sentence.

**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 rear plate holder of 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. If the purchaser of such motor vehicle or boat trailer is a nonresident member of the armed services, said purchaser may operate the same for a period not to exceed 20 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. 1961, c. 106. 1963, c. 221, § 6.)

**Effect of amendments.**—The 1957 amendment, effective on its approval, October 31, 1957, revised this section so as to make it applicable to boat trailers.

second sentence.

The 1963 amendment added "rear plate holder of" before "such motor vehicle" in the first sentence.

The 1961 amendment inserted the present

**Sec. 34-A. Initial plates.**—The secretary of state is authorized to design and to issue, under such regulations as he shall deem appropriate, initial type registration plates or combination of initials and numeric type registration plates to be used on passenger motor vehicles or motor vehicles of the stationwagon type in lieu of other numeric type registration plates. Such plates shall be of such design and shall bear such letters or letters and numbers as the secretary of state shall prescribe, but there shall be no duplication of identification.

The registration plates so provided shall be issued only upon application therefor, and upon payment of a service fee of \$10 for plates issued originally, to any applicant, during the period of the first 5 years of a semi-permanent plate program; and a service fee of \$5, annually, for any succeeding year of a semi-permanent plate program shall be paid for the renewal of such plates. The service fee of \$10 paid, for plates issued originally, shall apply to the year for which application is made and to the last year of such semi-permanent plate program. A service fee of \$5 shall be paid when application is made for the last year only of the semi-permanent plate program. The service fee is to be in addition to the regular motor vehicle registration fee as prescribed by law for the particular vehicle. The amount received from such service fee shall be credited to the general highway fund and there shall be allocated annually from the general highway fund a sum sufficient to defray the cost of this program.

Applications for registration plates as prescribed above, pertaining to owners of passenger vehicles or motor vehicles of the stationwagon type who are residents of this state and who own an unrevoked and unexpired official amateur radio station license issued by the federal communications commission, except those licensed as novices, by the federal communications commission, shall be accompanied by a notarized proof of ownership of such amateur radio station license. Registration plates issued under this paragraph shall be inscribed with the official amateur radio call letters of such applicant as assigned by the federal communications commission.

Application for new registration plates shall be received in the office of the secretary of state previous to November 1st of each year preceding the issuance of such new plates. Application for renewal of such registration plates shall be received in the office of the secretary of state previous to March 1st of the year of the renewal of such plates. (1961, c. 261, § 2. 1963, c. 8, §§ 1, 2.)

**Effect of amendment.**—The 1963 amendment, which became effective upon its approval, February 14, 1963, and which was made retroactive to November 1, 1962, substituted "any" for "each" before "succeeding year" in the first sentence of the second paragraph, substituted "new" for "such" near the beginning of the first sentence of the last paragraph, substituted "previous

to" for "by" after "secretary of state" in such sentence, deleted "or renewal" and added "new" near the end of such sentence and added the second sentence of the last paragraph.

**Effective date.**—Section 3 of c. 261, P. L. 1961, adding this section, provides that the act shall become effective with the registration year 1962.



**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 73,280 pounds.

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

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

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

If any such carrier holding a permit or certificate from the public utilities commission has been required to appear in any court, through its appointed lawful agent or attorney, under the provisions of this section in regard to a violation of this section, and shall fail to comply with and satisfy any penalty imposed by the court for a violation of this section, the court shall so notify the public utilities commission, which shall immediately suspend the permit or certificate from the public utilities commission held by such carrier, until such time as the carrier shall have satisfied the said penalty (R. S. c. 19, § 27. 1947, c. 352, § 6. 1949, c. 349, § 22. 1953, c. 309, § 1. 1955, cc. 18, 149. 1957, c. 309, § 3. 1961, c. 346, § 2. 1963, c. 356, § 2.)

**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 1961 amendment substituted "70,550 pounds" for "60,000 pounds" at the end of the first paragraph.

The 1963 amendment substituted "73,280 pounds" for "70,550 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. Edgcomb*, 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.** Repealed by Public Laws 1963, c. 300, § 5.

**Cross reference.**—For present provisions as to safety glass, see c. 15, § 13-F.

**Sec. 39-A.** Repealed by Public Laws 1963, c. 300, § 5.

**Editor's note.**—The repealed section, derived from P. L. 1959, c. 171. See now which prohibited the obstruction of windshields and windows of motor vehicles, c. 15, § 13-G.

**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. Every such vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes. 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 call, 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. 1963, c. 221, §§ 7, 8.)

**Effect of amendments.** — The 1955 amendment inserted "assistant fire chiefs, police chiefs and assistant police chiefs," and "sheriffs," in the present ninth sentence, and added the latter part of such 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."

The 1963 amendment deleted "and, in addition thereto, shall have a hand brake sufficient to hold the vehicle while out of gear on a 10% grade" and added the present third, fourth, fifth, sixth, seventh and eighth sentences.

**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.** Repealed by Public Laws 1959, c. 378, § 6.

**Editor's note.** — The repealed section, which derived from P. L. 1959, c. 134, § 1, related to hydraulic brake fluid.

**Effective date.** — The 1959 act repealing this section became effective on its approval, January 29, 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; c. 378, § 7.)

**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".

P. L. 1959, c. 378, re-enacted the section without change.

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

P. L. 1959, c. 378, § 7-A, provided that § 7 of the act, re-enacting this section, should become effective 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 lo-

cated 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  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  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. 43-A. Rural mail vehicles.**—Any rural mail vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the cars in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night. (1961, c. 239, § 1.)

**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 shall be equipped with at least 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 lights shall emit an amber beam of light and shall be at least 6 inches in diameter and shall be equipped with blinker attachments. In lieu of the lights hereinbefore specified, such vehicles may be equipped with at least one auxiliary rotary flashing light having 4-inch sealed beams and showing amber beams of light over a 360° range. 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. 1961, c. 116, § 1. 1963, c. 417.)

**Effect of amendments.**—The 1955 amendment inserted words in the second sentence, which sentence was rewritten in 1961.

The 1961 amendment rewrote the first four sentences, which formerly provided for only two auxiliary lights, including a blue or amber light showing to the front.

The 1963 amendment deleted “unless the 6 inch diameter lights are not available in

the markets of this state” following “public ways” in the first sentence, deleted “light or” before “lights” and deleted “showing to the front” following “lights” at the beginning of the second sentence, deleted the former third sentence, made the former fourth sentence part of the present second sentence and added the present third sentence.

**Sec. 45.** Repealed by Public Laws 1963, c. 300, § 5.

**Cross reference.**—For present provisions as to inspection of motor vehicles, see c. 15, §§ 13-A to 13-E.

**Editor’s note.**—The repealed section was amended in 1961 by P. L. 1961, c. 417, §

38, P. L. 1961, c. 343, § 1, P. L. 1961, c. 35; in 1957 by P. L. 1957, c. 429, § 28, P. L. 1957, c. 128, P. L. 1957, c. 76, § 10; and in 1955 by P. L. 1955, c. 384.

**Sec. 45-A.** Repealed by Public Laws 1963, c. 300, § 5.

**Editor’s note.**—The repealed section, which related to the penalty for failure to

submit motor vehicles for semiannual inspection, derived from P. L. 1961, c. 129.

**Secs. 46-47.** Repealed by Public Laws 1963, c. 300, § 5.

**Editor’s note.**—Section 46, which related to official inspection stations, was amended in 1961 by P. L. 1961, c. 317, § 25 and P.

L. 1961, c. 343, § 2. Section 47, which related to a fee for inspections, was amended in 1961 by P. L. 1961, c. 343, § 3.

**Sec. 47-A.** Repealed by Public Laws 1963, c. 300, § 5.

**Editor’s note.** — The repealed section, which related to the disposition of motor

vehicle inspection fees, derived from P. L. 1961, c. 343, § 4.

### 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.

No municipality and no person or corporation employed by a municipality

to convey children to and from school may use a conveyance which provides less than one linear foot of seating space for each such child.

All motor vehicles used as school buses, except the pleasure car type, so called, shall be equipped with 2 doors, one on the right side near the front of the bus to be used for all ordinary exits and entrances; the other to be located in center of rear end of bus or in rear half of left side of bus if engine is so located as to make it impossible to place door in center of rear end.

Any such motor vehicle shall be so constructed that the operator has access to the passenger compartment without leaving the vehicle, and that the exhaust pipe shall extend beyond the external rear of the body of the bus, but not beyond the bumper, and shall be entirely outside of the body, and that the gasoline tank filler, vent and drain openings shall be outside of the bus body.

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.

All school buses when carrying children shall come to a full stop before crossing any railroad track or tracks, such stop to be made at a point not more than 50 feet and not less than 10 feet from the nearest rail; and the driver thereof shall take such steps as are necessary to ascertain beyond reasonable doubt that no train, engine or car is approaching the crossing before he shall proceed to drive such bus across the track or tracks. The operator of any school bus failing to so stop shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$200; and his driver's license shall be suspended by the secretary of state for a period of not less than 2 years.

School buses with a carrying capacity of over 20 passengers must comply with the uniform school bus standards.

Notwithstanding chapter 15, section 13-A, every school bus as defined in this section shall be submitted to an official inspection station during the months of August and February for the purpose of complying with chapter 15, section 13-A, concerning adjustment and sufficiency of the required equipment. This inspection shall be conducted by certain specified official inspection stations.

Notwithstanding the provisions of chapter 15, section 13-D, the fee for such inspection shall be \$2 (1951, c. 235, § 19. 1955, c. 85, § 1; c. 132. 1957, c. 244; c. 397, § 16; c. 425; c. 429, § 29. 1959, c. 25. 1963, c. 300, § 4; c. 403, § 9.)

**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.

The 1963 amendments deleted "at the rear to be equipped with a spring lock on the inside to be used only in case of emergency" following "the other" in the fourth paragraph and added the present

language following "the other" in such paragraph and added the last two paragraphs.

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

### Taxation of Motor Vehicles. Aircraft.

**Secs. 49-51.** Repealed by Public Laws 1959, c. 308, § 6.

**Sec. 51-A.** Repealed by Public Laws 1959, c. 308, § 6; c. 378, § 8.

**Editor's note.** — The repealed section, which provided for an annual excise tax on house trailers, derived from P. L. 1955, c. 191, § 1. See now c. 91-A, § 124, subsection

I, paragraph B.

**Effective date.**—P. L. 1959, c. 378, became effective on its approval, January 29, 1960.

**Sec. 52.** Repealed by Public Laws 1959, c. 308, § 6.

**Sec. 52-A.** Repealed by Public Laws 1959, c. 308, § 6; c. 378, § 9.

**Editor's note.** — The repealed section, which provided for an annual excise tax on stock race cars, derived from P. L. 1959, c. 99, § 4. See now c. 91-A, § 124, subsection

I, paragraph c.

**Effective date.** — P. L. 1959, c. 378, became effective on its approval, January 29, 1960.

**Secs. 53-55.** Repealed by Public Laws 1959, c. 308, § 6.

**Sec. 56.** Repealed by Public Laws 1959, c. 308, § 6; c. 378, § 10.

**Cross reference.**—For provisions similar to those of the repealed section, see c. 91-A, § 124, subsection II.

**Effective date.**—P. L. 1959, c. 378, became effective on its approval, January 29, 1960.

**Secs. 57-59.** Repealed by Public Laws 1959, c. 308, § 6.

### 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 \$5 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 of state shall require. Said secretary of state 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 without a lapse of 3 years since date of expiration of last license 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. No license shall be issued until the said secretary of state 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 \$3 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 \$3. Any person who has reached his 75th birthday and who has not taken an examination to qualify him to operate a motor vehicle within the past year shall be required to pass a driver's examination before a license may be issued to him; except that any person who applies for and receives a license to operate a motor vehicle effective



on his 74th birthday shall not be required to take such examination until and unless he applies for renewal thereof to be effective on his 76th birthday. Any person who secures a motor vehicle operator's license at either age 75 or 76, as detailed, must pass a driver's examination at such times thereafter as he shall apply for renewal thereof. Any person who is at least 15 years of age and has completed a course in driver education as provided in section 60-A 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 test, 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 one year when accompanied by a licensed operator who has at least one 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 \$3, which shall include cost of first examination. The fee for all subsequent examinations shall be \$2. Failure to complete the driving test within one year of issue date of permit will require reexamination for the permit. No such application for reexamination shall be accepted until 6 months after the expiration of said permit. 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, or to an applicant who holds a valid or recently expired operator's license from another state or country, 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. The secretary of state may, in his discretion, issue a temporary driver's permit to any resident permitting the operation of a motor vehicle during a period not to exceed 30 days. 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 new and renewal licenses to operate motor vehicles shall expire at midnight on the license holder's 2nd birthday next following the date of issuance of said license. The fee for such license shall be \$5.

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.

Provided, however, that on application to the secretary of state, 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 any amputee veteran receiving compensation from the Veterans Administration for service connected disability who shall have a specially designed motor vehicle, and who is otherwise qualified to operate a motor vehicle in this state, such veteran shall receive a license to operate such automobile without the requirement of the payment of any fee.

On application to the secretary of state, any person who is serving in the armed forces of the United States in time of war or national emergency and who is otherwise qualified to operate a motor vehicle in this state shall receive a license without the requirement of the payment of any fee. Such person shall, notwithstanding the expiration date of such license, be entitled to operate a motor vehicle without obtaining a new license therefor. Such person shall, while operating a motor vehicle, carry upon his person conclusive evidence that he is a member of said armed forces. The privileges of this paragraph shall remain in effect for a period of 30 days after the discharge or release of such person from said armed forces. Nothing in this paragraph shall be construed to permit a person against whom a revocation or suspension of a license is in force, or a person who has been refused a license by the secretary of state, to operate a motor vehicle. (R. S. c. 19, § 48. 1945, c. 247, § 1. 1949, c. 79, § 1; c. 104, § 12. 1951, c. 157, § 19; c. 235, § 20. 1953, c. 385, § 3. 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. 1961, cc. 68, 71, 143, 186; c. 348, §§ 1, 2. 1963, c. 13, § 1-3; c. 57, §§ 1, 2; c. 221, §§ 9, 10; c. 323, § 1.)

**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 present twenty-fourth sentence in the first paragraph. The third 1955 amendment inserted in the present fifth 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 present eighth sentence of the first paragraph from \$1 to \$2, increased the duration of the instruction permit in the present twelfth sentence of the first paragraph from 60 to 90 days, and increased the examination

fees mentioned in the present thirteenth and fourteenth sentences thereof from \$1 to \$2. It also increased the duration of a renewal permit in a sentence from 60 to 90 days and made a former proviso of such sentence into a separate sentence, the first of which was rewritten in 1963 and appears as the present fifteenth sentence, and the second now appears as the seventeenth 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, which fee was again reduced to \$2 by a 1959 amendment. 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 what were then 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 sec-

ond sentence of this section without change, and reduced the fee from \$3 to \$2 in the third sentence.

This section was amended five times in 1961. Chapter 348, effective January 1, 1962, added the present ninth sentence of the first paragraph. Chapter 143 inserted language in the present fifteenth sentence and added a sentence immediately following such sentence, all of which was rewritten in 1963. Chapter 71 inserted "or to an applicant who holds a valid or recently expired operator's license from another state or country" in the present nineteenth sentence of the first paragraph and added the present twentieth sentence. Chapter 186 repealed the former second paragraph of the section, relating to expiration of renewal licenses, inserted "and renewal" in the present second paragraph and deleted "issued after December 31, 1958" from that paragraph. Chapter 68 deleted "Provided further, that" at the beginning of the last paragraph and added all of that paragraph following the first sentence.

This section was amended four times in 1963. Chapter 13 increased the fee from \$2 to \$3 in the present eighth sentence of the first paragraph, substituted "one year" for "90 days" in the present twelfth sentence of the first paragraph, increased the fee from \$2 to \$3 in the present thirteenth sentence of the first paragraph and rewrote the present fifteenth and sixteenth sentences of the first paragraph. Chapter 57, effective January 1, 1964, increased the fee from \$2 to \$5 in the third sentence of

the first paragraph, added "2nd" before "birthday" in the first sentence of the second paragraph and increased the fee from \$2 to \$5 at the end of the second sentence of the second paragraph. Chapter 221 split the former fourth sentence into three sentences, added "of state" after "secretary" in the present fourth, fifth and sixth sentences, added "without a lapse of 3 years since date of expiration of last license" to the present fifth sentence and added "and has completed a course in driver education as provided in section 60-A" to the present eleventh sentence. Chapter 323, effective January 1, 1964, rewrote the former seventh sentence and substituted the present ninth and tenth sentences of the first paragraph.

**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.

**Quoted in** Sweet v. Austin, 158 Me. 90, 179 A. (2d) 302.

**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. No license shall be required of certified 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, given by the public secondary schools and academies receiving tuition students as described in chapter 41, section 107, 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 au-

thorizing such person to drive to and from such school or academy. (1959, c. 221, § 1. 1963, c. 267, §§ 1, 2.)

**Effect of amendment.**—The 1963 amendment, effective January 1, 1964, deleted the former second sentence of the first paragraph, deleted “The fee for such license shall be \$25 per year, except that” before “no” at the beginning of the third sentence of the first paragraph and added “given by the public secondary schools and academies receiving tuition students as described in chapter 41, section 107,” to the

first sentence of the second paragraph.

**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.”

**Quoted in** Sweet v. Austin, 158 Me. 90, 179 A. (2d) 302.

**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”.

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

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.

**Sec. 63. Duplicate license.**—In the event that an operator’s license or registration card issued under this chapter shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute upon furnishing proof satisfactory to the secretary of state that such license or card has been lost or destroyed and upon payment of a fee of 50¢.

If the secretary of state is satisfied that public safety will not be endangered, he may issue, upon payment of a fee of 50¢, a duplicate license to a person who has an original license. (R. S. c. 19, § 51. 1961, c. 69.)

**Effect of amendment.**—The 1961 amendment increased the fee from 25¢ to 50¢,

added the last paragraph and made other minor changes.

**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.

### Commercial Driver Education Schools.

**Effective date.**—P. L. 1963, c. 267, which added §§ 65-A to 65-I, provided in § 4 thereof as follows: “This act shall take effect January 1, 1964.”

**Sec. 65-A. Definitions.**—The following terms when used in sections 65-A to 65-I shall have the meanings ascribed to them in this section unless context clearly indicates different meanings:

**I. Commercial driver education.** Commercial driver education means planned instruction given to an applicant preparing to secure his initial operator's license.

**II. Commercial driver education school.** Commercial driver education school means any person or persons engaged in teaching driver education for remuneration, except a public or private school approved by the state board of education.

**III. Established place of business.** Established place of business means a location approved by the secretary of state at which the business of a commercial driver education school is transacted and at which its records are kept.

**IV. Instructor.** Instructor means any person engaged in teaching driver education.

**V. Licensee and applicant.** Licensee and applicant as applied to a firm, partnership or association include the members thereof and as applied to a corporation include the officers and directors thereof.

**VI. Person.** Person means any individual, combination of individuals, firm, partnership, association or corporation. Whenever used in any provision of sections 65-A to 65-I which prescribes or imposes a fine or imprisonment, or both, the term "person," as applied to a firm, partnership or association, shall include the members thereof and, as applied to a corporation, the officers thereof; a firm, partnership, association or corporation may be subjected as an entity to the payment of a fine. (1963, c. 267, § 3.)

**Sec. 65-B. Commercial driver education school and commercial instructor's licenses required; application; fees.**—No person shall operate a commercial driver education school or act as an instructor unless a license therefor has been secured from the secretary of state. Applications for such license may be filed with the secretary of state and shall contain such information and shall be on such form as the secretary of state may prescribe. Each application for a commercial driver education school license shall be accompanied by an application fee of \$10 which shall not be refunded. If such application is approved by the secretary of state, the applicant upon payment of an additional fee of \$15 shall be granted a license which shall be valid during the calendar year of its issue unless sooner revoked as provided. The renewal fee shall be \$25.

Each application for a commercial instructor's license shall be accompanied by an application fee of \$10, which shall not be refunded. If such application is approved by the secretary of state, the applicant, upon payment of an additional fee of \$5, shall be granted a license which shall be valid during the calendar year of its issue unless sooner revoked. The renewal fee shall be \$15. (1963, c. 267, § 3.)

**Sec. 65-B-1. Insurance for school.**—The secretary of state shall not issue a license for a commercial driver education school 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, 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 \$25,000 and for any number of persons in the sum of \$50,000 and against property damage in the sum of \$10,000, which injury, death or damage may result from or have been caused by the operation of any vehicle being used in carrying out sections 65-A to 65-I. 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 \$25,000

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 \$50,000 on account of any one accident resulting in injury to or death of more than one person, and of at least \$10,000 for damage to property of others.

The secretary of state shall suspend, without hearing, such license 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 license upon the expiration of the policy and shall not restore same until new certification of coverage is filed by the company. (1963, c. 267, § 3.)

**Sec. 65-C. Possession of license.**—Each person granted a commercial driver education school license shall display the same conspicuously on the school premises. Each person granted a commercial instructor's license shall carry the same in his possession while engaged in giving commercial driver education instruction. In case of loss, mutilation or destruction of a license certificate, the secretary of state shall issue a duplicate certificate upon payment of a fee of \$1.50. (1963, c. 267, § 3.)

**Sec. 65-D. Powers of the secretary of state.**—The secretary of state may, prescribe reasonable requirements, standards and qualifications for obtaining a commercial driver education school license and conduct of instructors. The fees charged for such commercial driver education shall be subject to the approval of the secretary of state. (1963, c. 267, § 3.)

**Sec. 65-E. Records required.**—Every commercial driver education school licensee shall keep a record on such forms as the secretary of state may prescribe showing the name and address of each instructor, the instruction license number of such instructor, the particular type of instruction given and how much time was given to each type of instruction and such other information as the secretary of state may require. Such records shall be open to the inspection of the secretary of state at all reasonable times but shall be for the confidential use of the secretary of state. Every commercial driver education school licensee shall maintain all vehicles used in commercial driver education in safe mechanical conditions at all times. (1963, c. 267, § 3.)

**Sec. 65-F. Refusal to issue license.**—The secretary of state may refuse to issue a license to any applicant for a commercial driver education school license or commercial instructor's license when he is satisfied that the requirements of section 65-D have not been met. (1963, c. 267, § 3.)

**Sec. 65-G. Suspension or revocation of licenses.**—The secretary of state may at any time cancel, suspend, revoke or refuse to renew any commercial driver education school license or commercial instructor's license when he is satisfied that the requirements of section 65-D have not been maintained. (1963, c. 267, § 3.)

**Sec. 65-H. Hearing and appeal.**—Each holder of a commercial driver education school license or commercial instructor's license, under this section, shall be entitled to notice and hearing prior to cancellation, suspension, revocation or failure by the secretary of state to renew the license of such licensee. Hearings under this section shall be held in accordance with chapter 20-A. (1963, c. 267, § 3.)

**Sec. 65-I. Penalties.**—Any person who operates a commercial driver education school or acts as a commercial instructor without a license therefor shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 90 days, or by both. (1963, c. 267, § 3.)

### 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 and who does not operate a school bus more than 10 days in any school year. (1951, c. 384. 1959, c. 50. 1963, c. 221, § 11.)

**Effect of amendments.**—The 1959 amendment rewrote this section, adding subsection I-A, deleting the former last paragraph of the section and adding a new

last paragraph.

The 1963 amendment added all of the last paragraph following "school bus operator."

### Reciprocity. Nonresident Privileges and Restrictions.

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

**I. Application.** The provisions of this chapter relative to registration of motor vehicles, tractors and trailers and the issuance of operators' licenses shall not apply to any nonresident owner or operator who shall have complied with the registration and licensing laws of the state, district or country of residence to the extent that said state, district or country of residence grants the same or similar privileges to residents of this state.

**II.** Repealed by Public Laws 1961, c. 70, § 1.

**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. 1961, c. 70, § 1.)

**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.** — The 1955 amendment added the exception clause at

the end of subsection IV.

The 1961 amendment rewrote subsection I and repealed subsection II of this section.

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

**Sec. 68. "Nonresident" defined.**—The term "nonresident," as used in this chapter, shall be defined as any person whose legal residence is in some state, district or country other than Maine. (R. S. c. 19, § 55; 1945, c. 342, § 3. 1957, c. 360. 1961, c. 70, § 2.)

**Effect of amendment.**—The 1961 amendment deleted a provision that a nonresident having a regular abode or place of

business in the state for more than 6 months should be deemed a resident.

**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 opera-

tion by such a person, by himself or his agent, of aircraft in this state" and the words "or while operating aircraft in this state."

**Sec. 72. If plaintiff prevails, fee taxed in costs; record of processes.**—The fee of \$2, paid by the plaintiff to the secretary of state at the time of the service as required by section 70, shall be taxed in his costs, if he prevails in the action. The said secretary of state shall keep a record of such processes which shall show the day and hour of service. (R. S. c. 19, § 61. 1961, c. 417, § 39.)



**Effect of amendment.**—The 1961 amendment substituted “action” for “suit” at the end of the first sentence and added

“of state” after “secretary” in the second sentence.

### Financial Responsibility Law.

#### Sec. 75. Definitions.—

##### I. Terms defined.

**A.** “Secretary of state” shall mean the secretary of state or any of his deputies. (1959, c. 363, § 12; c. 378, § 11.)

**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)

**II. Secretary of state to administer sections 75 to 82; appeal.** The secretary of state shall administer and enforce sections 75 to 82 and he is authorized to adopt and enforce such regulations as may be necessary for their administration. He is authorized to remove and destroy all records and papers in his office pertaining to the financial responsibility law which are more than 3 years old, are not in use and which in his judgment are no longer of value.

Any person aggrieved by an order or act of the secretary of state under said sections may, within 30 days after notice thereof, appeal by filing a complaint in the superior court of the county in which one of the parties resides, and if both plaintiff and defendant are nonresidents, then in the county where the accident occurred. The filing of such complaint shall not suspend the order or act unless a stay thereof shall be allowed by said court pending final determination of the appeal. The court shall summarily hear the complaint and may make any appropriate order or decree. [1953, c. 67, § 1. 1961, c. 317, § 26]. (R. S. c. 19, § 64. 1951, c. 243, § 1. 1953, c. 67, § 1; c. 96, § 1. 1955, c. 395, § 1. 1959, c. 363, § 12; c. 378, § 11. 1961, c. 317, § 26.)

**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.

P. L. 1959, c. 363, 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.” P. L. 1959, c. 378, effective on its approval, January 29, 1960, added present paragraph A of subsection I.

Prior to the 1961 amendment, subsection II of this section provided for the filing of the petition for a review of orders or acts of the “secretary” within “10 days” after notice thereof.

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

**Cited in** American Fidelity Co. v. Mahoney, 157 Me. 507, 174 A. (2d) 446.

## **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 which has resulted in death, bodily injury, or property damage to an apparent extent of \$100 or more, the secretary of state shall, 30 days following the date of request for compliance with the 2 following requirements, suspend the license or the right to obtain a 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, or the right to register the same, 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. 1961, c. 287, § 1]. (1945, c. 134. 1949, c. 427. 1953, c. 67, § 3. 1955, c. 39, §§ 2, 3. 1957, c. 390, 1961, c. 281, § 1.)

**C.** Repealed by Public Laws 1961, c. 287, § 2.

**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 insur-

ance 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)

#### **IV. Application of security.**

**A.** If no disposition of security so furnished is made in accordance with this section or if no request for its return is made for a period of 10 years from the date of the accident, such deposit shall be deemed presumptively abandoned and shall be paid into the state treasury, and credited to the general fund for the use of the state. Thereafter, no action at law or in equity shall be maintained in any court in this state by any depositor or his heirs, successors or assigns for any deposit so paid. Thereafter any lawful claimant may petition the governor and council for payment of such moneys to the claimant. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The governor and council, after a hearing, shall determine who are lawful claimants and shall authorize payment by the treasurer of state from the general fund to such claimants. (1963, c. 224.)

#### **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 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 to recover damages for damage to prop-

erty or the death of or bodily injury to any person resulting from such accident or unless he shall have satisfied in the manner provided any judgment rendered against him in such an action, and at all events gives and thereafter maintains proof of his financial responsibility. If the aggrieved or injured person or his legal representative shall not have brought an action within one year from the date of the accident, then the secretary of state, upon receiving reasonable evidence of the fact, may, subject to the other requirements of the law, issue to such person a new license to operate and new registration certificates and registration plates, provided he shall give and thereafter maintain proof of financial responsibility. A discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of sections 75 to 82, 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; and this exception shall be retroactive to August 20, 1945. (1953, c. 67, § 5. 1955, c. 243. 1961, c. 417, § 40. 1963, c. 24.) (1955, c. 39, §§ 1-3; c. 243; c. 395, §§ 2, 3. 1957, c. 390. 1961, c. 287, §§ 1, 2; c. 417, § 40. 1963, cc. 24, 224.)

**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 the former paragraph A of subsection II. The second 1955 amendment added the exception clause to the last sentence of subsection VI which was made retroactive in 1963. The third 1955 amendment inserted the words "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" 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.

The first 1961 amendment, in amending paragraph B of subsection II, deleted a

former reference to paragraph C, substituted "secretary of state" for "secretary" and inserted the references to rights to obtain a license or to register a vehicle. The amendment also repealed paragraph C of subsection II. The second 1961 amendment deleted "of this section" following "subsection II" in the first sentence of subsection VI, deleted "at law" following "action" in such sentence, deleted "hereinafter" following "in the manner" in such sentence, deleted "as hereinbefore provided" at the end of such sentence, substituted "an action" for "suit" near the beginning of the second sentence of subsection VI, added "of state" after "secretary" in such sentence and deleted "as hereinbefore provided" at the end of such sentence.

The first 1963 amendment added "and this exception shall be retroactive to August 20, 1945." at the end of the sentence of subsection VI. The second 1963 amendment added a new paragraph A of subsection II.

Only the paragraphs changed by the amendments are set out.

### **Sec. 79. Application to nonresidents and accidents in other states.—**

**I. Nonresidents.** Sections 75 to 82 shall apply to any person who is not a resident of this state, and if such nonresident has failed to furnish security or to give proof of his financial responsibility, then and in such event such nonresident shall not operate any motor vehicle, trailer or semi-trailer in this state nor shall any motor vehicle, trailer or semi-trailer owned by him be operated within this state by any person. The secretary of state shall not issue to such nonresident any operator's license or register any motor vehicle, trailer or semi-trailer owned by such nonresident in the same manner as required with respect to a resident of this state. The operation by a nonresident, or with his express or implied consent if an owner, of a motor vehicle, trailer or semi-trailer on a public way of the state shall be deemed equivalent to an appointment by such nonresident of the secretary of state or his successor in office to be his true and lawful attorney, upon whom may be served all law-

ful processes in any action against him, growing out of any accident in which said nonresident may be involved while so operating or so permitting to be operated a motor vehicle on such a way.

**II. Information to home state.** When a nonresident's operating privilege is suspended pursuant to section 77, the secretary of state shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided for in subsection III.

**III. Accidents in other states.** Upon receipt of such certification that the operating privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or for failure to deposit both security and proof of financial responsibility, under circumstances which require the secretary of state to suspend a nonresident's operating privilege had the accident occurred in this state, the secretary of state shall suspend the license of such resident and all of his registration certificates and registration plates. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security; and until such resident files proof of financial responsibility if required by such law. (R. S. c. 19, § 68. 1953, c. 67, § 6. 1963, c. 38.)

**Effect of amendment.**—The 1963 amendment to subsection I and added subsections II and III designated the former section as III.

### **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:

**E.** Damages shall not be assessed except by special order of the court in a civil action, payment of the judgment wherein is secured by a motor vehicle liability policy or a motor vehicle liability bond, as defined in section 75, and wherein the defendant has been defaulted for failure to enter an appearance until the expiration of 30 days after the plaintiff has given notice of such default to the company issuing or executing such policy or bond and has filed an affidavit thereof. Such notice may be given by mailing the same, postage prepaid, to the said company or to its agent who issued or executed such policy or bond. Upon receipt of information and having become satisfied that the insured has failed to comply with the terms of his policy in regard to notice to the company of an accident, the secretary shall revoke his license and registration for such period as the secretary shall determine.

(1955, c. 395, § 5. 1961, c. 317, § 27.)

**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, 5, 6. 1961, c. 317, § 27.)

**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 responsibility in accordance with section 81”

in the opening paragraph of subsection II, and rewrote subsection IV.

The 1961 amendment substituted “a civil action” for “an action of tort” in the first sentence of paragraph E of subsection II of this section.

As the rest of the section was not affected by the amendments, it is not 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, § 7]. (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.

**Prosecution for noncompliance with financial responsibility law.**—A person cannot be prosecuted under the general provision of § 161 for operating a motor vehicle after suspension for failure to comply with the financial responsibility law. *State v. Ward*, 156 Me. 59, 158 A. (2d) 869.

**It is necessary to set forth in a complaint**

**the reasons for which a suspension occurred** since a person accused of operating after suspension of his license cannot determine whether he is being prosecuted under the general or under the special provision of § 161, or whether the prosecution is brought under subsection VII of this section. *State v. Ward*, 156 Me. 59, 158 A. (2d) 869.

## **Sec. 82. Limitation and saving clauses.—**

**I. Limitation.** Sections 75 to 82 shall not be construed to prevent the plaintiff in any civil action from relying upon the other processes provided by law. (1961, c. 417, § 41.)

**Effect of amendment.**—The 1961 amendment deleted "The provisions of" at the beginning of subsection I and substituted "civil action" for "action at law" in such

subsection.

As the rest of the section was not affected by the amendment, it is not set out.

## **Law of the Road.**

### **Sec. 83. Teams meeting shall turn to right.**

**The word "team," etc.**

In accord with original. See *Farm Bureau Mutual Ins. Co. v. Kelley*, 155 Me. 276, 153 A. (2d) 603.

**"Traveled part" of way under ordinary circumstances.** — Under ordinary circumstances the traveled portion of the way is that part of the way wrought for that purpose and commonly used as such or so constructed that it could be used. *Farm Bureau Mutual Ins. Co. v. Kelley*, 155 Me. 276, 153 A. (2d) 603.

**And when wrought portion of way is ob-**

**scured by snow.**—Where the wrought portion of the way customarily used for traffic is obscured from view by fallen snow, and traffic has beaten a path or track on it, then that portion becomes the traveled part of the way within the intent and purview of this section. *Farm Bureau Mutual Ins. Co. v. Kelley*, 155 Me. 276, 153 A. (2d) 603.

**Determination of center line.**—The entire paved area of a street must be considered in determining the position of the center line. *Farm Bureau Mutual Ins. Co. v. Kelley*, 155 Me. 276, 153 A. (2d) 603.

**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 sen-

tence. The third 1957 act re-enacted this section without change.

**Effective date.**—P. L. 1957, c. 429, became 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, plain-

tiff'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.

Cited in Tinker v. Trevett, 155 Me. 426, 156 A. (2d) 233.

**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 driver of a motor vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side of the intersection or, in the event there is no cross walk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

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. 1963, c. 221, § 12.)

**Effect of amendments.** — The 1957 amendment rewrote the former last paragraph of this section which was repealed in 1959.

This section was amended twice by the 1959 legislature. Chapter 215 rewrote the first paragraph and the present third paragraph. Chapter 363 repealed the former

last paragraph, as amended by P. L. 1957, c. 308, § 5.

The 1963 amendment added the present second paragraph.

**Violation of this section is in itself evidence of negligence.** *Tinker v. Trevett*, 155 Me. 426, 156 A. (2d) 233.

**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. 92-A.** Reallocated by Public Laws 1963, c. 414, § 3-F.

**Editor's note.**—P. L. 1963, c. 324, enacted § 92-A which was reallocated to be

§ 9-A of chapter 97 by P. L. 1963, c. 414, § 3-F.

**Sec. 94. Height and width of motor vehicles and trailers limited.**—No motor vehicle or trailer which, with or without load, is wider than 102 inches over all shall be operated upon any way or bridge; specifically excepting the interstate system as defined in the federal aid highway act of 1956; vehicles operating on said interstate highway system shall not exceed 96 inches in width; except that motor vehicles or trailers hauling firewood, pulpwood, logs or bolts may be operated on any way or bridge if the width of the load does not exceed 102 inches. A strip 3 inches thick shall extend along the sides of the platform securely fastened to the platform of the vehicle or trailer in order that the load shall pitch to the center of said vehicle or trailer, except that such vehicles hauling pulpwood, logs or bolts may substitute for this 3-inch strip, 2 chain, wire rope or steel cable binders. Said chains or wire ropes or steel cables shall be made of not less than  $\frac{3}{8}$  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. Each vehicle or trailer shall carry a solid-boarded tailboard or 5 stakes evenly spaced of sufficient strength to maintain the weight of the load, and such load at no place along its length shall be higher than the tailboard or stakes. No motor vehicle or trailer any structural part of which, permanent or temporary, is more than 13 feet 6 inches in height measured vertically from a plane and level surface of ground or pavement shall be operated upon any way or bridge. The load on any motor vehicle or trailer may extend 6 inches above the maximum permissible structural height of such motor vehicle or trailer. No portion of any such vehicle or load, except the reflecting mirror required by this chapter, shall project beyond the side of such vehicle to make a total width greater than herein specified. Provided, however, that the provisions of this section shall not apply to snow plows and equipment used exclusively for the removal of snow or to construction equipment the uses of which are confined to the limits of highway and bridge construction projects; and provided also, that the provisions of this section shall not be construed as limiting the width of a load of loose hay, pea vines or corn-

stalks. (R. S. c. 19, § 85. 1947, c. 348, § 4; c. 378. 1949, c. 349, § 24. 1963, cc. 260, 317.)

**Effect of amendments.**—The first 1963 amendment substituted the present first, second, third and fourth sentences for the former first sentence. The second 1963 amendment substituted “13 feet” for “12 feet” in the present fifth sentence, split the former second sentence into the present fifth and sixth sentences and substituted “6 inches” for “1 foot” in the present sixth sentence.

**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. 96-A. Permit for unladen, unregistered farm truck.**—Any officer of the state police may upon request issue a written permit to operate an unladen, unregistered farm truck upon a public way when such truck is used upon the public ways occasionally or temporarily and solely for farm purposes. Such operation upon a public way shall be by an operator duly licensed under this chapter, and shall be from or to the premises where such farm truck is kept, to or from a farm lot and between farm lots, used for farm purposes by the owner of the farm truck, and from or to a filling station or garage for gas, oil or repairs. Each farm truck so operated shall be inspected by an authorized inspection station. No such permit shall be issued for a period to exceed one month, and shall specify the route or routes of travel and time of day during which such permit shall be valid. (1963, c. 293.)

**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. 102. Violating sections 97 to 101; bond for permits.** — Whoever as owner, driver, operator or mover of any engine, team, vehicle or

contrivance mentioned in sections 97 to 101 violates any provision of said sections or the regulations made or permits granted under authority thereof shall be liable to a fine of not less than \$10 nor more than \$500, for each offense. He shall be responsible for all damages which said way or bridge may sustain as a result thereof, and the amount may be recovered in a civil action brought by the municipality or other corporation, when any way or bridge is injured which is under the care of said municipality or other corporation; by the county commissioners in behalf of any unincorporated township injured and by the state when any state or state aid way or bridge is injured; and shall be used for the repair of the ways and bridges so injured. Highway officials in granting permits under the provisions of the preceding sections may require from owners or operators a bond satisfactory to them running to the state or the municipal or other corporation affected, conditioned to reimburse it for any expenses necessarily incurred in repairing all damage caused to the way or bridge by the use thereon of such vehicle, load, contrivance or other object. (R. S. c. 19, § 93. 1945, c. 378, § 16. 1961, c. 317, § 28.)

**Effect of amendment.** — The 1961 amendment divided the former first sentence into two sentences, substituted "sections 97 to 101" for "the five preceding sec-

tions" in the present first sentence and substituted "a civil action" for "an action on the case" in the present second sentence.

**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 fol-

lowing 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 73,280 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 51,800 pounds and no vehicle having 4 axles shall be so operated, or caused to be operated, when the gross weight exceeds 62,050 pounds, and no vehicle having 5 axles shall be so operated, or caused to be operated, when the gross weight exceeds 73,280 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 axle vehicles	5 axle vehicles
4 to 7 .....	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	51,100
19 .....	42,990	50,150	52,050
20 .....	43,900	51,000	53,000
21 .....	44,800	51,850	53,950
22 .....	45,700	52,700	54,900
23 .....	46,590	53,550	55,850
24 .....	47,470	54,400	56,800
25 .....	48,350	55,250	57,750
26 .....	49,220	56,100	58,700
27 .....	50,090	56,950	59,650
28 .....	50,950	57,800	60,600
29 .....	51,800	58,650	61,550
30 .....		59,500	62,500
31 .....		60,350	63,450
32 .....		61,200	64,400
33 .....		62,050	65,350
34 .....			66,300
35 .....			67,250
36 .....			68,200
37 .....			69,150
38 .....			70,100
39 .....			70,550
40 .....			73,280

provided, 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 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 2 rear axles driven and with brakes on wheels of all axles, hauling forest products may be operated upon the payment of an additional license fee of \$75 during the months of December, January and February at 15% in excess of the maximum gross weight permitted and that tractor-trailer combinations hauling forest products may be operated upon the payment of an additional license fee of \$75 during the months of December, January and February at 15% in excess of the maximum gross and axle weights permitted, not, however, permitting, validating or in any way applying 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 weight or with width 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 and except 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 officials 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. 1961, c. 346, § 3; c. 353; c. 417, § 42. 1963, c. 149; c. 356, § 3.)

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

Chapter 346, P. L. 1961, rewrote the first paragraph, increasing the weight limitations therein, and rewrote the table in the second paragraph. Chapter 353, P. L. 1961, inserted, following the table in the second paragraph, the exception as to additional license fees for vehicles hauling forest products and made other minor changes. Chapter 417, P. L. 1961, rewrote this section which was again rewritten in 1963.

P. L. 1963, c. 149, substituted "\$25 per calendar month, or fraction thereof, for any of the months of December, January or February at 15% in excess of the maximum gross weight permitted and that tractor-trailer combinations hauling forest

products may be operated upon the payment of an additional fee of \$25 per month, or fraction thereof, for any of the months of December, January or February" for "\$75 during the months of December, January and February at 15% in excess of the maximum gross weight permitted and that tractor-trailer combinations hauling forest products may be operated upon the payment of an additional license fee of \$75 during the months of December, January and February" following the table in the second paragraph, but this amendment was not given effect in the later 1963 amendment and is not given effect in this supplement. P. L. 1963, c. 356, § 3, 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 the district court, costs of court which fine and costs of court shall not be suspended if they relate to gross weight but may be suspended if they relate to axle weight.

The district court shall, instead of sentencing a respondent to pay costs, impose a fine upon each conviction \$10 larger than provided in this section. The following fines and costs shall otherwise be imposed:

\$20 and costs of court when the gross weight is in excess of 73,280 by less than 2,000 pounds and in all other cases \$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. 1961, c. 355. 1963, c. 356, § 4; c. 402, §§ 19-21.)

**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, deleted the word "of" which formerly appeared at the end of such paragraph, and inserted the first sentence, the former second sentence (subsequently deleted by the 1963 amendment) and the opening clause of the third sentence of the second paragraph.

The 1961 amendment added "if they relate to gross weight but may be suspended if they relate to axle weight" at the end of the first paragraph.

P. L. 1963, c. 356, § 4, added "\$20 and costs of court when the gross weight is in excess of 73,280 by less than 2,000 pounds and in all other cases" at the beginning of the first subparagraph of the present second paragraph and deleted "hereinafter" before "provided" in the first sentence of the second paragraph which deletion was

given effect by the later 1963 amendment. P. L. 1963, c. 402, §§ 19-21, substituted "the district court" for "trial justice and municipal courts" in the first paragraph substituted "The district court" for "Trial justice and municipal courts" at the beginning of the first sentence of the second paragraph, deleted "hereinafter" preceding "provided" in such sentence and deleted the former second sentence of the second paragraph providing that five dollars of any fine collected should be retained by the county and the balance paid to the state highway commission.

As the third, fourth and fifth paragraphs were not changed, they are not set out.

**Application of 1963 act.**—Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

**Sec. 111-A. Weight tolerance for dump trucks transporting highway construction materials, vehicles loaded with certain woods, etc.—**

The operation on the highways of any vehicle loaded entirely with firewood, pulpwood, logs or bolts or dump trucks, tractor dump trucks or transit-mix concrete trucks carrying highway construction materials shall not be deemed to be in violation of any of the provisions of sections 19, 36, 109, 110 and 111 relating to weights of vehicles, weights of loads, tonnages or overloads if the gross weight of such vehicle and its load does not exceed 110% of the maximum gross weight for which such vehicle is then registered nor 110% of the maximum gross weight permitted for such vehicle by section 109, and if the weight thereof imparted to any road surface by an axle or axles does not exceed 110% of the maximum axle weight permitted therefor by section 109; provided that no vehicle loaded as aforesaid shall be deemed in violation of the above said sections if, as to each axle, the weight imparted to any road surface is not greater than the combined total of 600 pounds per inch width tire, manufacturer's rating, of all

tires attached to such axle and provided further that the maximum gross vehicle weight shall not exceed the limits and tolerances established in this chapter. 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. 1961, c. 351. 1963, c. 313.)

**Effect of amendments.**—The 1961 amendment substituted “an axle or axles” for “any one axle” in the first sentence, deleted “single” preceding “axle weight” in that sentence and added the proviso at the end of that sentence.

The 1963 amendment added “or dump trucks, tractor dump trucks or transit-mix concrete trucks carrying highway construction materials” after “or bolts” near the beginning of the first sentence.

**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.** School buses shall not be operated at a speed in excess of 45 miles per hour, except that when used for purposes of an educational trip or for transporting pupils to and from any extra-curricular activity a school bus may be operated at a speed not exceeding 50 miles per hour;

**F-1.** Speed of commercial vehicles, registered for over 6,000 pounds, shall be the same as for pleasure vehicles.

**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. 1961, c. 340, §§ 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.

The 1961 amendment again rewrote paragraph F of subsection II, which formerly also applied to commercial vehicles registered for over 6,000 pounds, and added paragraph F-1 to subsection II.

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

**Reckless driving.**—The offense of reckless driving does not lie in the act of operating a motor vehicle, but in the manner and circumstances of the operation. *State v. Child*, 158 Me. 242, 182 A. (2d) 675.

**Conditions under which reasonableness of speed must be considered.**—The reasonableness of the speed must be considered in light of the traffic, surface and

width of the highway, and of any other conditions then existing. *State v. Child*, 158 Me. 242, 182 A. (2d) 675.

**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.

**Indictment.**—A person indicted under this section is charged with violating a speed regulation; not the violation of a speed determined by an arbitrary figure of miles per hour, but rather by the circumstances and conditions obtaining at the time of operation. *State v. Child*, 158 Me. 242, 182 A. (2d) 675.

**Sufficiency of indictment.**—See *State v. Child*, 158 Me. 242, 182 A. (2d) 675.

**Subsection II, paragraph A, cited in** *Johnson v. Rhuda*, 156 Me. 370, 164 A. (2d) 675.

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

**Effective date.**—The 1957 act amending

**Sec. 113-B. Speed of motor vehicles.**—Except as provided in section 113-D and notwithstanding 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 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 vehicles, except on the interstate system such increased speed shall not exceed 70 miles per hour for vehicles. 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. c. 378, § 12. 1961, c. 340, § 3.)

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

P. L. 1959, c. 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. P. L. 1959, c. 378, effective on its approval, January 29, 1960, eliminated "the provisions of" following "notwithstanding" near the beginning of the first paragraph and eliminated "also" preceding "have authority" near the beginning of the second

sentence in that paragraph.

The 1961 amendment deleted from the second sentence of the first paragraph a speed limit of 50 miles per hour for certain commercial vehicles or school buses on the interstate system.

**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. 114. Driving on roadways laned for traffic.**

**Passing vehicle in center lane of three-lane highway.**—Assuming that there is no oncoming traffic in the left lane, it cannot be said as a matter of law that a driver who passes, or attempts to pass, a motor vehi-

cle which is in the center lane of a three-lane highway is guilty of negligence. *Harri-man v. Spaulding*, 156 Me. 440, 165 A. (2d) 47.

**Sec. 115-A. One-way roadways.** Upon a roadway designated and sign-posted for one-way traffic a vehicle shall be driven only in the direction designated. (1961, c. 4.)

**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. 118.** Repealed by Public Laws 1961, c. 417, § 43.

**Editor's note.**—This section was amended P. L. 1957, c. 308, § 6; and by P. L. 1957, three times in 1957 by P. L. 1957, c. 71; c. 429, § 32.

**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-

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

**Sec. 122. Required position and method of turning at intersections.**

This section does not in any way limit the effect of § 123 of this chapter. State v. Holt, 158 Me. 81, 179 A. (2d) 298.

**Sec. 123. Turning movements and required signals.**

**Legislative intent.**—The legislature, in enacting this section, undoubtedly had in mind that turning from a direct course is often attended with danger to others lawfully using the highway, and that some

precautionary restrictions on such a movement were necessary. State v. Holt, 158 Me. 81, 179 A. (2d) 298.

**Effect of section not limited by § 122.**—Section 122 of this chapter, which deals

generally with the method of making right and left hand turns on two-way roadways and on other than two-way roadways, and authorizes local authorities to place signs at intersections and require a different course from that otherwise specified in making turns at intersections, does not in any way limit the effect of this section. *State v. Holt*, 158 Me. 81, 179 A. (2d) 298.

**This section is a part of the law of the road**, so-called, and was enacted by the legislature in the exercise of its police power for the protection of those who lawfully use our highways. *State v. Holt*, 158 Me. 81, 179 A. (2d) 298.

**It imposes a duty.**—This section imposes a duty upon one about to turn a vehicle from a direct course to the left to ascertain whatever facts are necessary in order to determine whether the turn can be made with reasonable safety. *State v. Holt*, 158 Me. 81, 179 A. (2d) 298.

Hence, defendant, before making a turn, was under the positive duty to determine whether the contour of the highway ahead of him obstructed his view of approaching traffic. *State v. Holt*, 158 Me. 81, 179 A. (2d) 298.

**And it prohibits a person from turning a vehicle from a direct course unless and until such movement can be made with**

**reasonable safety.** *State v. Holt*, 158 Me. 81, 179 A. (2d) 298.

**Burden of proof.**—To convict a defendant charged with violating this section by making a left turn from a highway to enter an intersecting road at a time when such turn could not be made with reasonable safety, it was necessary for the state to prove beyond a reasonable doubt that the respondent moved to the left at a time and place when the movement could not be made with reasonable safety. *State v. Holt*, 158 Me. 81, 179 A. (2d) 298.

**View obstructed by crest of hill.**—A left turn could not have been made with reasonable safety within the purview of this section if the view ahead at the time of making the turn was obstructed by the crest of a hill so near that oncoming vehicles lawfully travelling in the opposite direction would not be afforded sufficient warning to avoid a collision. *State v. Holt*, 158 Me. 81, 179 A. (2d) 298.

When defendant turned left he acted at his peril in making the turn unless he knew at the time that his vision of approaching traffic was not obstructed by the crest of a hill on the highway upon which he was then travelling. *State v. Holt*, 158 Me. 81, 179 A. (2d) 298.

**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. 132. Carrying of canes.**—It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is

white or light metallic in color or white tipped with red. (1949, c. 148. 1961, c. 172, § 1.)

**Effect of amendment.**—The 1961 amendment inserted “or light metallic” in this section.

**Sec. 133. When vehicles to stop.**—Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white or light metallic in color or white tipped with red, the driver of every vehicle approaching the intersection, or place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian. (1949, c. 148. 1961, c. 172, § 2.)

**Effect of amendment.**—The 1961 amendment inserted “or light metallic” before “in color.”

**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  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  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 motor truck or truck tractor having a registration or short term permit 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. 1961, c. 36, § 1.)

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

The 1961 amendment added “motor” and “or short term permit” near the beginning of the section.

**Sec. 139. Use of flares, lanterns and reflectors.**—Whenever any motor truck or truck tractor having a registration or short term permit 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. 1961, c. 36, § 2.)

**Effect of amendments.** — 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. The 1961 amendment added "or short term permit" near the beginning of the section.

**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; signal lights for volunteer fire departments authorized; lights on emergency vehicles.**—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.

There shall not be used on or in connection with any motor vehicle a red or blue light, the beam from which is visible to the front of said vehicle, except that emergency vehicles, so called, may display lights which emit a red or blue beam to the front thereof only under the following classifications:

**I. Ambulances, fire department vehicles.** Lights used on ambulances, fire department vehicles, vehicles operated by city and town fire inspectors, and by vehicles operated by chiefs and assistant chiefs of fire departments shall emit a red beam of light. 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 firemen 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. Nothing herein shall limit the use of lights showing a red beam of light to the front of school buses provided said lights are of a type approved by the secretary of state as stated in section 48.

**II. Police department vehicles.** Lights used on police department vehicles and on motor vehicles operated by chiefs of police, state fire inspectors, inland fisheries and game wardens, sea and shore fisheries wardens, sheriffs and deputy sheriffs shall emit a blue beam of light.

**III. Emergency service vehicles.** Lights used on vehicles engaged in highway maintenance, wreckers and public utility emergency service vehicles shall emit an amber beam of light.

The use of these auxiliary lights shall not relieve the owner or operator of an emergency vehicle from conforming to section 43. (R. S. c. 19, § 116. 1947, c. 320. 1949, c. 147. 1955, c. 56, § 2. 1961, c. 116, § 2.)

**Effect of amendments.**—The 1961 amendment deleted the last sentence of the first paragraph, which had been amended in 1955, and added the last two paragraphs.

**Sec. 144-A.** Repealed by Public Laws 1961, c. 116, § 3.

**Editor's note.** — The repealed section, fire departments, derived from P. L. 1959, c. 298. See now § 144 of this chapter.

**Sec. 144-B. Signal lights for doctors authorized.**—An amber blinker or flashing amber 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 any physician or surgeon licensed to practice in this state. Such light may be displayed but shall not be in operation except while such vehicle is in use during emergencies. No physician or surgeon shall operate an amber blinker or flashing amber signal light upon such motor vehicle except while actually enroute to the scene of an emergency requiring his professional services. (1961, c. 239, § 2.)

**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 sufficient.** — Complaint was held sufficient since it charged one single episode of reckless driving, an offense prohibited by law, and at the same time adequately informed the defendant of the

factual nature of the charges and gave sufficient detail to insure future protection against double jeopardy. *Carlson v. State*, 158 Me. 15, 176 A. (2d) 844.

**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; *Carlson v. State*, 158 Me. 15, 176 A. (2d) 844.

**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 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 chapter 15, section 7. (1957, c. 250, § 2. 1961, c. 113, § 1.)

**Effect of amendment.**—The 1961 amendment deleted “legally upon or adjacent to a highway” following “other property” near the beginning of this section.

**Sec. 148-F. Sections 148-A to 148-E apply throughout the state.**—Sections 148-A to 148-E shall apply upon any way or in any other place in the state. (1961, c. 113, § 2.)

**Sec. 149. Using motor vehicle without authority.** — Whoever uses a motor vehicle, or farm or construction machinery, upon any way, or in any other place, 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 is convicted the 2nd time for a violation 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. 1961, c. 282.)

**Effect of amendments.** — 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.

The 1961 amendment inserted “or farm or construction machinery, upon any way, or in any other place” following “motor vehicle” near the beginning of this section and made other minor changes.

Stated in *State v. Greenlaw*, 159 Me. 141, 189 A. (2d) 370.

**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 10 days nor more than 11 months, or by both. 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.

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. 1961, c. 200. 1963, c. 261.)

#### 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 and rewrote the last sentence of

that paragraph which sentence was deleted in 1963. 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.

The 1961 amendment decreased the minimum imprisonment from 30 days to 10 days in the first sentence and deleted "such fine and imprisonment" at the end of that sentence.

The 1963 amendment deleted the former fourth sentence of the third paragraph which related to prior convictions within ten years preceding a conviction.

**Constitutionality.**—There is no constitutional objection to a statute making one fact

presumptive or prima facie evidence of another. *State v. Larrabee*, 156 Me. 115, 161 A. (2d) 855.

**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.

**And is to be given prima facie weight.**—The result of a chemical analysis of the blood under this section is to be given prima facie weight in accordance with the provisions of the section. *State v. Larrabee*, 156 Me. 115, 161 A. (2d) 855.

**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 seasonable 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.

**Analysis of a blood sample was not too remote** from the time of the alleged operation of the motor vehicle that it would not fairly reflect the degree of sobriety of the defendant at the time of an accident, where the blood sample was taken approximately 1¾ hours after the accident. *State v. Tripp*, 158 Me. 161, 180 A. (2d) 601.

**Consent to analysis rendered test admissible.**—Evidence of blood test was admissible even though blood taken without consent and at a time when defendant was not under arrest where, after being advised of his rights, the defendant consented to having the blood sample analyzed. *State v. Tripp*, 158 Me. 161, 180 A. (2d) 601.

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 ejusdem generis. Consequently, unless the word "place" is to be rendered meaningless it must be construed to cover everything to which the word "place" ordinarily refers. *State v. Goodchild*, 151 Me. 48, 115 A. (2d) 725.

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

The word "place" in this section cannot, by any reasonable interpretation, ex-

clude 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.

**Burden of proof.**—The provisions of this section, as amended, in no manner change or reduce the burden upon the state of proving the respondent guilty beyond a reasonable doubt. *State v. Larrabee*, 156 Me. 115, 161 A. (2d) 855.

**Alternatives of defendant at close of state's case.**—At the close of the evidence offered by the state, the defendant has the choice of two courses to follow: (1) he may choose to offer no evidence and have the case submitted to the jury to determine whether the evidence of the state has met the degree of proof required and thus overcome the presumption of innocence, or (2) he may proceed to offer evidence on his own behalf. *State v. Larrabee*, 156 Me. 115, 161 A. (2d) 855.

**Weight of test is jury question.**—In accordance with the general rule that the weight of evidence is determined by the jury, the weight of the result of the test under this section is not conclusive, but is to be determined by the jury once it has been shown that the test is accurate and properly administered. *State v. Larrabee*, 156 Me. 115, 161 A. (2d) 855.

**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. Recklessly causing death of a person; license revoked.**—Any person who operates 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 more than \$1,000, or by imprisonment for not more than 5 years, or by both. The license of any person convicted of violating 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 5 years from the time such license is revoked, except that after 3 years have elapsed from the date of such revocation, the secretary of state may restore such license or permit with or without conditions or restrictions.

All prosecutions for violation of this section shall be conducted by the county attorney or the assistant county attorney. (1957, c. 333, § 2. 1961, c. 262, § 1.)

**Effect of amendment.**—The 1961 amendment substituted “operates” for “drives” near the beginning of the first sentence, deleted the former minimum punishments of \$100 or 30 days, substituted “5 years” for “11 months” near the end of the first sentence, deleted the former third sentence defining reckless disregard for the safety of others, substituted “5 years” for “3 years” in the last sentence of the first paragraph, substituted “3 years have” for “1 year has” in that sentence, substituted “may” for “shall” in that sentence and made other minor changes.

**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.

**Effect of section on law of manslaughter.**—The enactment of this section did not affect the law of manslaughter, as it has been applied in a homicide involving the operation of an automobile, where the basic element of the crime lies in the commission of an unlawful act *malum in se* or *malum pro-*

*hibitum*, unless proof of the particular unlawful act relied upon as the basis for the manslaughter charge necessarily requires evidence essential to establish the crime of reckless homicide. In such event, the offenses are identical, and this section governs. *State v. London*, 156 Me. 123, 162 A. (2d) 150.

**This section is repugnant and inconsistent with c. 130, § 8,** to such an extent that the legislature must have intended to repeal the latter section insofar as it applies to a prosecution for manslaughter based upon criminal negligence in the operation of an automobile. *State v. London*, 156 Me. 123, 162 A. (2d) 150.

**As substance of crime under both sections is the same.**—An examination of the elements of the crime established by this section and of the elements of manslaughter by criminal negligence discloses that the substance of the crime in each case is the operation of an automobile with reckless disregard for the safety of others, thereby causing the death of another. *State v. London*, 156 Me. 123, 162 A. (2d) 150.

**Indictment held sufficient.**—See *State v. Charette*, 159 Me. 124, 188 A. (2d) 898.

**Sec. 151-C. Death caused by violation of law.** — Any person who operates a motor vehicle in violation of law, other than a violation of chapter 22, section 151-B, and under such circumstances that the violation of law causes the death of another person, when the death of such person results within one year,

shall be guilty of a criminal offense. Any person convicted of such an offense 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. The license of any person convicted of violating 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 two years have elapsed from the date of such revocation, the secretary of state may restore such license or permit with or without conditions or restrictions. (1961, c. 262. § 2.)

**Sec. 152. Operating motor vehicle at grade crossings; to stop if warning signal indicates approach of train.**—Every person operating a motor vehicle upon passing any sign provided for in chapter 23, sections 90 and 91, which is located more than 100 feet from a grade crossing shall, upon reaching a distance of 100 feet from the nearest rail of such crossing, forthwith reduce the speed of the vehicle to a reasonable and proper rate, observe in each direction and shall proceed cautiously over the crossing. Whenever such crossing is protected by gates, by a flagman or by automatic signal, every such motor vehicle operator, or person in control of such vehicle, if the gates are lowered or are being lowered, or if the action of the flagman or the operation of the automatic signal shall indicate that a train is approaching, shall bring such vehicle to a full stop at a distance of not less than 10 feet from the nearest rail of the crossing and shall not proceed on or across the railroad track or tracks until the gates shall have been raised, or until the action of the flagman shall indicate that no train is approaching such crossing, or if the crossing is protected by automatic signal, until such driver has ascertained that no train is approaching. This provision shall be deemed to require a precaution in addition to the duties and precautions imposed by law on persons approaching or crossing a railroad grade crossing.

Whoever violates the provisions of this section shall, upon conviction, be punished as provided by section 149. (R. S. c. 19, § 123. 1945, c. 91. 1959, c. 198. 1963, c. 221, § 3.)

**Effect of amendments.**—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 paragraph.

The 1963 amendment changed the order of reference to §§ 90 and 91 of chapter 23 and added "observe in each direction" near the end of the first sentence.

**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 para-

graph was changed by the amendment, the first four paragraphs are not set out.

**Necessity of wearing uniform is limited to purposes set forth in this section.** State v. Steckino, 158 Me. 186, 181 A. (2d) 247.

The provisions of this section and c.

89, § 151, which require police officers to be in uniform, only apply when vehicles are stopped merely for purposes of examination. *State v. Steckino*, 158 Me. 186, 181 A. (2d) 247.

Which is the only section in this chapter that requires an officer to be in uniform.—See *State v. Steckino*, 158 Me. 186, 181 A. (2d) 247.

**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.

**Hence, officer out of uniform may arrest for drunken driving.**—An officer, out of uniform, had a right and duty to arrest a defendant for operating a vehicle while under the influence of intoxicating liquor by virtue of c. 147, § 4. *State v. Steckino*, 158 Me. 186, 181 A. (2d) 247.

"Furnishes" is used here, etc.

"To give or to furnish" are not the equivalent of "to permit" or "to not object to the use of." The words "give" and "furnish" are words of action based upon at least a claimed authority. *Sweet v. Austin*, 158 Me. 90, 179 A. (2d) 302.

**Requesting youth to move car was not "furnishing."**—There was no "furnishing" within the meaning of this section where defendant filling station owner did no more than request a youth, to whom the owner of the car had entrusted the keys, to move the car and assisted him in starting it. *Sweet v. Austin*, 158 Me. 90, 179 A. (2d) 302.

**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. 159-A. Unlawful use of license or instruction permit.**—It is a misdemeanor for any person:

**I. Display.** To display or cause to be displayed or have in his possession any revoked, suspended, mutilated, fictitious or fraudulently altered operator's license or instruction permit;

**II. Loan.** To lend his operator's license or instruction permit to any other person or knowingly permit the use thereof by another;

**III. Representation.** To display or represent as one's own any operator's license or instruction permit not issued to him; or

**IV. Use.** To permit any unlawful use of an operator's license or instruction permit issued to him. (1961, c. 51. 1963, c. 221, § 14.)

**Effect of amendment.**—The 1963 amendment added "or instruction permit" after "operator's license" in each of the subsections of this section.

**Sec. 161. Effect of revoking or suspending registration, license or right to operate; number plates not transferable; plates to be properly displayed.**—No person shall operate a motor vehicle after his license or right

to operate has been suspended or revoked, or operate or permit any other person to operate a vehicle while the certificate of registration of such vehicle is suspended or after it has been terminated or canceled, or attach or permit to be attached to a vehicle a number plate assigned to another vehicle, or obscure or permit to be obscured the figures of any number plate attached to any vehicle, or fail to properly display on a vehicle the number plates and registration number duly issued therefor.

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 convicted of a 2nd or subsequent offense shall be punished by imprisonment for not less than 2 days, nor more than 11 months, and in addition thereto, the court may impose a fine as above provided. In allegations charging 2nd 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.

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. 1963, c. 148.)

**Effect of amendments.**—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.

The 1963 amendment added the second and third sentences to the second paragraph.

It is necessary to set forth in a complaint the reasons for which a suspension occurred since a person accused of operating after suspension of his license cannot determine whether he is being prosecuted under the general or under the special provision of this section, or whether the prosecution is brought under the provisions of

c. 22, § 81, subsection VII. *State v. Ward*, 156 Me. 59, 158 A. (2d) 869.

**Prosecution for noncompliance with financial responsibility law.**—A person cannot be prosecuted under the general provision of this section for operating a motor vehicle after suspension for failure to comply with the financial responsibility law. *State v. Ward*, 156 Me. 59, 159 A. (2d) 304.

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

**Sec. 162. Persons arrested to be given immediate trial; exceptions; bail.**—Whoever is arrested for violation of any provisions of this chapter, except those of sections 149, 150, 154 and 159, shall be given an immediate trial if he shall so demand of the officer making the arrest, but if for any reason it is impracticable to do so, the officer making the arrest shall immediately take the prisoner before some bail commissioner, who before admitting him to bail, shall require him to give his name, his place of residence, the number of his license to operate a motor vehicle and the registration number of the motor vehicle operated at the time of his arrest, and shall make a record thereof on the bail bond, and may take his personal recognizance for his appearance in court on a specified day, not less than 2 days thereafter if requested by the person arrested; or such officer in like cases may accept the personal recognizance of such person for his appearance as aforesaid. If a person fails to appear in court on the day specified, either in person or by counsel, the court shall notify the secretary of state, who shall immediately suspend or revoke his license, if licensed in this state, or suspend or revoke his right to operate motor vehicles in this state, if a nonresident and not

licensed in this state, and also suspend the registration of the motor vehicle driven by such person when arrested, if said motor vehicle is registered in this state by such person. The secretary of state may also suspend the registration of the motor vehicle driven by such person when arrested, if said motor vehicle is registered in this state by other than the operator of said motor vehicle, provided he first gives 7 days' notice of his intention to do so. (R. S. c. 19, § 133. 1963, c. 264.)

**Effect of amendment.**—The 1963 amendment substituted “a” for “such” near the beginning of the second sentence, deleted “or annul” after “suspend” in the second

sentence, added “by such person” at the end of the second sentence and added the third sentence.

**Sec. 163. Court jurisdiction.**—The district court shall have original and concurrent jurisdiction with the superior court over all prosecutions for violation of this chapter. All fines and forfeitures collected under this chapter shall accrue to the district court fund, except for overload violations, only \$5 or 13%, whichever is the greater, of each such overload fine or forfeiture collected through the district court, shall accrue to the district court fund and the balance thereof shall accrue to the general highway fund. (R. S. c. 19, § 134. 1951, c. 293. 1957, c. 221; c. 334, § 3; c. 429, § 33. 1961, c. 160. 1963, c. 402, § 22.)

**Effect of amendments.** — Prior to the 1961 amendment, which rewrote this section, the counties retained only \$5 of overload fines, except that 13% of such fines in the Yorkshire and Lincoln municipal courts accrued to the respective counties.

All three 1957 amendments related to the disposition of overload fines.

The 1963 amendment substituted “The district court” for “Trial justices in their respective counties” at the beginning of the first sentence, substituted “district

court fund” for “county where the offense is prosecuted” near the beginning of the last sentence, substituted “the district court” for “any trial justice or municipal court” in such sentence and substituted “district court fund” for “county” near the end of that sentence.

**Application of 1963 act.**—See note to § 111.

**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 in every case wherein a person is convicted of the violation of any statute or appeals from any conviction 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. 1963, c. 204; c. 402, § 23.)

**Effect of amendments.**—The 1959 amendment added the provision relative to cases involving the violation of sections 112 to 113-C.

P. L. 1963, c. 204, added “or appeals from any conviction” following “any statute” near the beginning of the first sentence. P. L. 1963, c. 402, § 23, deleted

"and trial justice" following "Every court" at the beginning of the first sentence.

Application of 1963 act.—See note to § 111.

**Sec. 166. Court may temporarily suspend operator's license.**—In addition to any other penalty provided in this chapter and imposed by any court upon any person for violation of any provision of this chapter, the court may suspend an operator's license for a period not exceeding 10 days, in which case the magistrate shall take up the license certificate of such person, who shall forthwith surrender the same and forward it by mail to the secretary of state. The secretary of state may thereupon grant a hearing and take such further action relative to suspending, revoking or restoring such license or the registration of the vehicle operated thereunder as he deems necessary. (R. S. c. 19, § 137. 1961, c. 395, § 9. 1963, c. 402, § 24.)

**Effect of amendments.**—The 1961 amendment, effective on its approval, June 17, 1961, eliminated "registered" preceding "mail" near the end of the first sentence.

justice" following "court" at two places in the first sentence.

Application of 1963 act.—See note to § 111.

The 1963 amendment deleted "or trial

## Chapter 22-A.

### Driver License Compact.

**Editor's note.**—P. L. 1963, c. 247, added this chapter and designated it as "chapter 22-A." P. L. 1963, c. 275, also added a new chapter, which related to Bus Taxa-

tion Proration Agreement, and designated it as "Chapter 22-A," but this chapter was reallocated to be "Chapter 22-C" by P. L. 1963, c. 414, § 3-G.

**Sec. 1. Compact enacted into law; enumeration.**—The driver license compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

### Driver License Compact.

#### Article I. Findings and declaration of policy.

##### I. Findings. The party states find that:

**A.** The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles;

**B.** Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property;

**C.** The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

##### II. Policy. It is the policy of each of the party states to:

**A.** Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles;

**B.** Make the reciprocal recognition of licenses to drive and eligibility therefor [therefor] more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

#### Article II. Definitions. As used in this compact:

**I. Conviction.** "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal