

MAINE STATE LEGISLATURE

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New Draft of: S. P. 440, L. D. 1395

O N E - H U N D R E D T H L E G I S L A T U R E

Legislative Document

No. 1476

S. P. 484

In Senate, March 3, 1961

Reported by Senator Boisvert of Androscoggin from Committee on Public Utilities and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Jurisdiction of Public Utilities Commission over Motor Vehicles Carrying Passengers for Hire.

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

R. S., c. 48, §§ 34 - 39, additional. Chapter 48 of the Revised Statutes is amended by adding 6 new sections to be numbered 34 to 39, in read as follows:

‘Jurisdiction over Motor Vehicles Carrying Passengers for Hire.

Sec. 34. Policy. It is declared to be the policy of this State to regulate transportation by “special or charter carrier of passengers by motor vehicle”, as defined in section 35, to the end that the highways may be rendered safer for the use of the general public and in such manner as to recognize and preserve the inherent advantages of, and foster sound economic conditions in, such transportation and among such carriers and carriers to whom a certificate has been issued under section 5 in the public interest; promote safe, adequate, economical and efficient service by such carriers of passengers by motor vehicle, and reasonable charges therefor without unfair or destructive competitive practices.

Sec. 35. Special or charter carriers of passengers by motor vehicle, defined. The term “special or charter carrier of passengers by motor vehicle” means every person who or which engages in the transportation by motor vehicle of passengers for hire other than transportation referred to in section 1 for which a certificate is required under section 5. Said term shall not include:

I. School bus. The operation of a school bus as defined in chapter 22, section 48, when such school bus is engaged in transportation authorized by chapter 41, sections 14 and 101;

II. Capacity. Motor vehicles having a capacity of not more than 6 passengers operated in what is commonly known as taxicab service, unless such service becomes, or is held out to be regular service between fixed termini, localities, areas or territories;

III. Hotel vehicles. Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of patrons between hotels and local railroad or other common carrier stations.

Sec. 36. License from commission required before operation. No person shall operate a motor vehicle for the transportation of passengers in special or charter service as defined in section 35 on any street or highway in any city or town of this State unless there is in force with respect to such person a license issued by the commission authorizing such operations. Application for such licenses shall be made in writing to the commission and shall be in such form and contain such information as the commission may require. Upon the filing of any such application and the payment of the fee hereinafter prescribed, the commission shall within a reasonable time fix the time and place for a hearing thereon. Notice of such hearing, in such manner as the commission may deem necessary, shall be given by the commission at least 7 days prior to the hearing to such common carriers and other persons or governmental agencies as the commission shall deem necessary. A license shall be issued after such public hearing to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able to perform the service proposed and to conform to the applicable provisions of law and the requirements, rules and regulations of the commission, and that the proposed service, to the extent to be authorized by the license, is or will be consistent with the public interest and the policy described in section 34; otherwise such application shall be denied. In determining whether issuance of a license will be consistent with the public interest and the policy described in section 34, the commission shall consider the nature of the service proposed and the demand therefor and the ability of existing authorized carriers to perform the service and the effect which the granting of the license would have upon the services of the protesting carriers. Any license issued hereunder shall specify the service to be rendered and the territory within which the licensee is authorized to operate; and there shall, at the time of issuance and from time to time thereafter, be attached to the exercise of the privilege granted by the license such reasonable terms, conditions and limitations as the public interest may, from time to time, require. Any license issued hereunder may be suspended or revoked for cause. Applications for an original license shall be accompanied by a fee of \$25; yearly renewals and amendments requiring a public hearing, by a fee of \$15; and transfer of a license, by a fee of \$15. The funds so received by said commission shall be used to defray the expenses of said commission in connection therewith.

Sec. 37. Certificate holders exempted. A license hereunder shall not be required to be obtained by a common carrier transporting passengers under a certificate issued pursuant to section 5 and such common carriers may transport to any place in the State of Maine special or charter parties under such rules and regulations as the commission shall have prescribed.

Sec. 38. Establishment of rules and regulations. The commission may, from time to time, establish reasonable rules and regulations covering the operation of motor vehicles under a license granted pursuant to section 36. The commission may require holders of licenses issued under section 36 to file with the commission and publish and keep open for public inspection schedules containing all rates, fares and charges of such carriers for the transportation of persons, and any rule, regulation or provision affecting such charges and value of service thereunder, or, in the alternative, the commission may establish minimum mileage rates, and in determining such rates the commission shall consider as a part of the rate base the elements of waiting time, deadhead mileage and the type of equipment employed.

Sec. 39. Other applicable sections. Sections 3, 4, 6, 9, 10, 11, 13, 14, 15, 16, 17 and 18 shall apply to operations conducted under a license issued under section 36 and wherever the term "certificate" is used therein it shall be deemed to include a license issued under section 35 and the holder thereof.'