

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 300

H. P. 255

House of Representatives, February 2, 1979

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Davies of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT Relating to Motor Carrier Rates Subject to the Jurisdiction of the Public
Utilities Commission.**

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

35 MRSA § 1554, as last amended by PL 1975, c. 771, § 396, is repealed and the following enacted in its place:

§ 1554. Public hearing to investigate proposed changes in motor common carrier rates; suspension pending hearing

1. Rate changes. Any change in any schedule, schedules or joint rates that are the subject of this section shall be made pursuant to section 64.

Whenever the commission receives notice of any change or changes proposed to be made in any schedule of rates, joint rates, classifications, charges, rules or regulations affecting any holder of a certificate of public convenience and necessity under section 1552, and filed with the commission under the provisions of the law, it shall have the power at any time before the effective date of the change or changes, either upon complaint or upon its own motion and after reasonable notice, to hold a public hearing and make investigation as to the propriety of the proposed change or changes. At any such hearing, involving any change or changes as specified in this section, the burden of proof to show that the change is reasonable shall be on the holder of the certificate of public convenience

and necessity. After the hearing and investigation, the commission may make the order with reference to any new rate, joint rate, classification, charge, rule or regulation proposed as would be proper pursuant to section 294.

Pending the investigation and order, the commission may at any time within the period preceeding the effective date of any schedule, by order suspend the operation of the schedule or any part thereof, but not for a longer period than 3 months from the date of the order of suspension. If the investigation cannot be concluded within the period of 3 months, the commission may in its discretion extend the time of suspension for a further period of 5 months.

2. Joint rates and through routes. Subject to all of the provisions contained in subsection 1, every holder of a certificate of public convenience and necessity may file reasonable, joint rates and charges and establish reasonable through routes, with any other holder of a certificate of public convenience and necessity or common carriers by railroad, express and water. In the case of joint rates or charges, it shall be the duty of the holders and carriers, who are parties thereto, to establish just and reasonable regulations and practices in connection therewith, and just, reasonable and equitable divisions thereof between the holders and carriers participating therein which shall not unduly prefer or prejudice any of the participating holders or carriers. The joint rates and charges and through routes may be allowed only if the commission determines the joint rates or charges and through routes to be in the public interest. In determining public interest, the commission shall take into consideration the effect the joint rates and charges and through routes will have on the potential economic strength of common carriers, or other holders of public convenience and necessity under section 1552, and their importance to the economy of the State, or any part thereof; the benefit to be derived by the public; whether the establishment will facilitate the movement of freight within the State; and other factors or evidence, which are material and relevant thereto. The joint rates or charges and through routes shall in no way constitute an unfair or destructive competitive practice.

3. Interstate rates. Whenever any holder of a certificate of convenience and necessity under section 1552 shall file with the commission and with the Interstate Commerce, a tariff containing both intrastate rates and interstate rates on the same commodity, and prior to the effective date thereof the interstate rates are suspended by the Interstate Commerce Commission, then the commission shall have power to suspend, at any time within 10 days after the date of the suspension order issued by the Interstate Commerce Commission, the proposed intrastate rates, and the suspension may be kept in full force and effect so long as the interstate rates shall continue under suspension with a reasonable time thereafter for preparation of and issuance of the decision. The commission may hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accordance with the Act to Regulate Commerce and applicable amendments.

4. Rebates. It shall be unlawful for any person, firm or corporation, or any officer, agent or employee thereof knowingly to offer, grant or give, or to solicit, accept or receive any rebate, discount, concession or discrimination in violation of any provision of this chapter or chapter 95, or by means of any false or fictitious bill, bill of lading, receipt, voucher, roll, account claim, certificate, affidavit, deposition, lease or bill of sale, or by any other means or device, whatsoever, knowingly or willfully assist, suffer or permit any person, firm or corporation to obtain transportation of property subject to this chapter and chapter 95, free or for less than the applicable rate or charge, or by any means, or otherwise, fraudulently seek to evade or defeat regulation as provided in chapters 91 to 97; except that free or reduced rate transportation of property may be given by a holder of a certificate or permit for the same purposes and to the same extent as is authorized by section 103.

STATEMENT OF FACT

The purpose of this bill is to make motor carrier rate-making procedures consistent with utility rate-making procedures and authorize the commission to approve joint rates consistent with the public interest.