

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 428

H. P. 1287

House of Representatives, Feb. 21, 1929.

Referred to Committee on Taxation and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Allen of Camden.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT to Amend Chapter One Hundred Eighty-four of the Public Laws of Nineteen Hundred Twenty-one as Amended, to Make the Provisions of Said Chapter Applicable to Carriers of Freight by Motor Vehicles and to Impose an Excise Tax on Motor Vehicles Subject to the Public Utilities Commission.

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

Section 1. Section one of chapter one hundred eighty-
2 four of the public laws of nineteen hundred twenty-one as
3 amended by section one of chapter two hundred eleven of
4 the public laws of nineteen hundred twenty-three is hereby

5 further amended by inserting after the word “passengers”
6 in lines three and four of said section the words ‘or prop-
7 erty,’ and by adding at the end of said section the follow-
8 ing

“The words “motor carrier” as used in this chapter mean
2 any person, firm, or corporation operating any motor ve-
3 hicle upon any public street or highway for the carrying of
4 passengers or property for hire, providing the same are
5 operated over regular routes, as above defined, between
6 points in this state,’

so that said section as amended shall read as follows:

‘Section 1. The public utilities commission shall have
2 jurisdiction over every person, firm or corporation oper-
3 ating any motor vehicle upon any public street or highway
4 for the carrying of passengers or property for hire, pro-
5 vided the same are operated over regular routes between
6 points in this state. The words “regular routes” as used
7 in this act mean those routes over which any person, firm
8 or corporation is usually or ordinarily operating any motor
9 vehicle, even though there may be departures from said
10 routes, whether such departure be periodic or irregular.
11 Whether or not any motor vehicle is being operated over
12 regular routes within the meaning of this act shall be a
13 question of fact, and the finding of the public utilities com-
14 mission thereon shall be final and shall not be subject to
15 review, except that questions of law may be raised in the
16 manner provided in sections fifty-five and fifty-six of chap-

17 ter fifty-five of the revised statutes.

The words "motor carrier" as used in this chapter mean
2 any person, firm, or corporation operating any motor ve-
3 hicle upon any public street or highway for the carrying of
4 passengers or property for hire, providing the same are
5 operated over regular routes, as above defined, between
6 points in this state.'

Sect. 2. Section two of chapter one hundred eighty-four
2 of the public laws of nineteen hundred twenty-one is here-
3 by amended by striking out in line four thereof the words
4 "of fare" and inserting after the word "passengers" in the
5 first part of line five the words 'or property' and by insert-
6 ing after the word "passengers" at the end of line five the
7 words 'and property,' so that said section as amended shall
8 read as follows:

'Sect. 2. Said commission is hereby authorized to make
2 from time to time rules and regulations governing the op-
3 eration of said motor vehicles, which shall include pro-
4 visions concerning the route of operation, schedule to be
5 operated and maintained, rates to be charged for the car-
6 riage of passengers or property, the safeguarding of passen-
7 gers and property and other persons using the streets and
8 highways, and such other reasonable regulations as may
9 be deemed necessary for the safety or convenience of the
10 public.'

Sect. 3. Section six of chapter one hundred eighty-four
2 of the public laws of nineteen hundred twenty-one as

3 amended by section three of chapter two hundred eleven
4 of the public laws of nineteen hundred twenty-three, and
5 as further amended by chapter one hundred sixty-seven of
6 the public laws of nineteen hundred twenty-five, is hereby
7 further amended by inserting after the word "passengers"
8 in line four of said section the words 'and amount of
9 freight' so that said section as amended shall read as fol-
10 lows:

'Sect. 6. Every person, firm or corporation operating any
2 motor vehicle or trailer under the provisions of this chapter
3 shall keep an accurate record of the mileage, of the num-
4 ber of trips made, number of passengers and amount of
5 freight carried, of the receipts from operation, operating
6 and other expenses, etc., and shall file with the commission
7 at such times and in such form as it may prescribe, reports
8 duly verified, covering the period fixed by the commission.
9 The commission shall prescribe the character of the infor-
10 mation to be embodied in such reports and furnish a blank
11 form therefor.'

Sect. 4. Chapter one hundred sixty-seven of the public
2 laws of nineteen hundred twenty-five is hereby amended
3 by inserting after section six thereof the following para-
4 graph to be numbered 'Section 7,' the numbering of the
5 following sections to be changed accordingly:

'Sect. 7. In addition to the regular license fees or taxes
2 imposed on motor vehicles in this state, every motor car-
3 rier shall pay the following taxes for the maintenance and

4 the upkeep of the public highways :

Motor vehicles having pneumatic tires, one-eighth per cent
2 per ton mile of travel over and along the public highways.

Motor vehicles having hard rubber or solid tires, one-fourth
2 cent per ton mile of travel over and along the public high-
3 ways.

In figuring the ton miles of passenger travel, the maxi-
2 mum seating capacity of each passenger-carrying motor ve-
3 hicle unit (trailers to be included) at one hundred fifty
4 pounds per passenger seat, plus the weight of the vehicle,
5 multiplied by the number of miles operated, the sum thus
6 obtained to be divided by two thousand, shall determine the
7 ton miles of passenger travel each month. In no event,
8 however, shall the number of miles operated be considered
9 as less than the number required to be operated by the
10 carrier to maintain its filed schedules.

In figuring the ton miles of freight travel, the maximum
2 freight-carrying capacity of each freight-carrying truck or
3 vehicle unit (trailers to be included) plus the weight of
4 the vehicle, multiplied by the number of miles operated, the
5 entire sum thus obtained to be divided by two thousand,
6 shall determine the ton miles of freight travel per month.

The motor carrier shall keep a daily record upon a form
2 prescribed by the commission of all schedules maintained,
3 motor vehicle and trailer units used and motor vehicle and
4 trailer units laid up for repairs, during the current month,
5 and on or before the tenth day of the month following shall

6 certify under oath to the commission upon such forms as
7 may be prescribed by the commission, a summary of the
8 daily record which shall show the grand total ton miles of
9 travel, both passenger and freight, made by the motor car-
10 rier during the preceding month.

The daily record of each month's business shall thereupon
2 be filed and preserved for a period of at least five years
3 and thereafter until permission for their destruction shall
4 have been obtained from the commission. Such daily record
5 of each month's business shall be examined at least once
6 each year by the commission or an authorized representa-
7 tive, and compared with the sworn summaries on file with
8 the commission.

Any wilful falsification of the sworn monthly summaries,
2 in addition to other penalties imposed by the statute, shall
3 result in immediate revocation of the motor carrier's cer-
4 tificate.

Errors in monthly summaries as compared to the daily
2 records shall be adjusted to the figures of the daily records
3 from time to time as discovered and certified to the state
4 treasurer by the commission in the same manner as the
5 regular monthly certification as hereinafter required.

Regularly each month, on or before the last day of the
2 month, the commission shall certify to the treasurer of state
3 the total amount of the special tax due from each motor
4 carrier for operation over the public highways for the pre-
5 ceding month.

This tax shall be computed by multiplying the total number of ton miles operated by each motor carrier as shown by their sworn monthly summary to the commission by the rate or rates of taxation as in this chapter specified.

Thereupon the treasurer of state shall enter the amount of the tax so certified upon the tax books of the state and serve a notice upon the motor carrier of the amount of tax due, which shall be payable not later than the fifteenth day of the month after the date of its certification from the commission.

All taxes in this manner assessed shall become a first lien upon the property of the motor carrier used in said business, until paid. In addition to any other method provided by law for collection of the tax, the property of the motor carrier may be advertised and sold for the non-payment of any such taxes in the same manner and at the same time and under the same general rules and conditions as apply to all other property in the state. Upon failure of any motor carrier to pay any taxes when due, the treasurer of state shall notify the commission at once, and the commission may in its discretion revoke the carrier's certificate.

The tax paid as provided in this section shall be applied in maintaining and repairing the highways of the state in the same manner and in the same proportions as the excise tax upon internal combustion engine fuels sold within the state.'

Sect. 5. Section eight of chapter one hundred sixty-seven

2 of the public laws of nineteen hundred twenty-five is hereby
3 amended by adding at the end of said section, the follow-
4 ing:

‘If the assured is engaged in the carriage of freight, the
2 amount of insurance or bond to be carried under this sec-
3 tion shall be such an amount not less than five thousand
4 dollars (\$5,000) as may be determined to be reasonable
5 by the commission, taking into consideration the carrying
6 capacity of the motor carrier, the character of the territory
7 through which it operates, and any other pertinent facts.’

So that said section as amended shall read as follows:

‘Sect. 8. The amount of insurance or of such bond which
2 each motor vehicle or trailer owner shall carry as insurance
3 or indemnity against claims for personal injury or death
4 shall be determined upon the basis of five hundred dollars
5 for each passenger which each motor vehicle or trailer de-
6 scribed in the contract of insurance or such bond, as the
7 case may be, may carry under the provisions of the general
8 statutes; provided no such policy or bond shall indemnify
9 the insured in an amount less than five thousand dollars
10 in the event the carrying capacity of such motor vehicle or
11 trailer as prescribed by law shall be sixteen or less, pro-
12 vided the maximum indemnity of such policy or bond need
13 not be more than ten thousand dollars and provided that
14 in the event such carrying capacity shall exceed sixteen
15 passengers, the maximum indemnity need not exceed twenty
16 thousand dollars, and such policy or such bond shall in-

17 demnify the assured against legal liability resulting from
18 property damage to the amount of one thousand dollars.

If the assured is engaged in the carriage of freight, the
2 amount of insurance or bond to be carried under this sec-
3 tion shall be such an amount not less than five thousand
4 dollars (\$5,000) as may be determined to be reasonable
5 by the commission, taking into consideration the carrying
6 capacity of the motor carrier, the character of the terri-
7 tory through which it operates, and any other pertinent
8 facts.'