

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 1466

H. P. 1270

House of Representatives, April 21, 1953.

Reported by majority from Committee on Transportation printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Requiring Certain Truck Owners to File Names of Agents for
Certain Purposes.

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

Sec. 1. R. S., c. 19, § 27, amended. Section 27 of chapter 19 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 27. Truck, tractor, trailer or semi-trailer, with a load 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 load 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 load that exceeds 50,000 pounds, gross weight of vehicle and load.

~~No person, firm, or corporation shall, as a condition of employment, or otherwise, require or knowingly permit the operation of any vehicle on the highway with a load greater than permitted by this statute.~~

Any penalty for the violation of this section may be imposed on either the operator or whoever ~~requires, or knowingly permits, such operation~~

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 the secretary of state 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.

Should such carrier fail to file any appointment of a resident agent representative or attorney as required aforesaid, the secretary of state shall 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 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.'

Sec. 2. R. S., c. 19, § 100, amended. The 1st paragraph of section 100 of chapter 19 of the revised statutes, as amended, is hereby further amended by adding at the end thereof a new sentence, to read as follows:

'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.'

Sec. 3. R. S., c. 19, § 100-B, amended. Section 100-B of chapter 19 of the revised statutes, as enacted by chapter 323 of the public laws of 1951,

is hereby amended by adding at the end thereof a new paragraph, to read as follows :

'The provisions of section 27 of chapter 19 exempting from penalty operators employed by carriers holding permits or certificates from the public utilities commission, who have not participated in loading the vehicle, and pertaining to appointment of a resident agent, representative or attorney upon whom all lawful processes regarding any violation may be served and who may be required to appear in court on behalf of the carrier regarding the violation, and the provisions of said section relating to the suspension of permits or certificates issued by the public utilities commission for failure to appoint an agent, representative or attorney, or for failure to satisfy any penalty imposed by any court, shall likewise apply in full force for the purposes of violations under this section.'