

# MAINE STATE LEGISLATURE

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## PART 3

## MOTOR VEHICLES FOR HIRE

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## CHAPTER 91

## CARRIAGE OF PASSENGERS OR FREIGHT

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**§ 1501. Jurisdiction of Public Utilities Commission**

The Public Utilities Commission, hereinafter in chapters 91 to 97 called the "commission," shall have jurisdiction over every person, firm or corporation operating any motor vehicle upon any public street or highway for the carrying of passengers for hire

in such a manner as to afford a means of transportation similar to that afforded by a railway company, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running or for transporting passengers for hire as a business between fixed and regular termini. Whether or not any motor vehicle is being operated within the meaning of this chapter shall be a question of fact, and the finding of the commission thereon shall be final and shall not be subject to review, except that questions of law may be raised in the manner provided in sections 303 and 304. Application for an original certificate 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 certificate, 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.

R.S.1954, c. 48, § 1.

### **§ 1502. Permit to operate interstate buses**

In order that there may be proper supervision and control of the use of the highways of this State, every person, firm or corporation regularly engaged in transporting passengers for hire by motor vehicle upon the public highways between points within and points without the State is required to obtain a permit for such operation from the commission. Whether or not any person is so regularly engaged shall be a question of fact to be determined by the commission. Application for such permits shall be made in the manner and form to be prescribed by the commission in its regulations, and such permits shall issue as a matter of right upon compliance with such regulations and payment of fees, unless the commission shall find that the condition of the highways to be used is such that the operation proposed would be unsafe or the safety of other users thereof would be endangered thereby.

R.S.1954, c. 48, § 2.

### **§ 1503. Rules and regulations governing use of motor vehicles**

The commission is authorized to make from time to time rules and regulations governing the operation of the motor vehicles described in sections 1501 and 1502, which shall include provisions concerning the route of operation, schedule to be operated and maintained, rates of fare to be charged for the car-

riage of passengers, the safeguarding of passengers and other persons using the streets and highways and such other reasonable regulations as may be deemed necessary for the safety or convenience of the public. The power and authority conferred upon the commission in section 299 is made applicable to this chapter.

Any person, firm or corporation required to procure a certificate under section 1505 shall be subject to all the provisions of sections 300 to 304, and to such orders, rules and regulations as shall be adopted and promulgated by the commission under the authority of chapters 1 to 17.

R.S.1954, c. 48, § 3; 1957, c. 81; 1959, c. 107, § 1.

#### **§ 1504. Existing statutes for use and operation not affected**

Nothing contained in this chapter shall exempt any person, firm or corporation owning or operating a motor vehicle or vehicles as described in said chapter from complying with existing statutes relating to the ownership, registration and operation of motor vehicles in this State as defined in Title 29.

R.S.1954, c. 48, § 4.

#### **§ 1505. Certificates for operation; baggage; mail and express for hire**

No person, firm or corporation shall operate a motor vehicle or vehicles as described in section 1501 on any street or highway in any city or town of this State, without obtaining from the commission a certificate permitting such operation. Nor shall the commission issue an original certificate or amend a certificate unless it finds after public hearing that public convenience and necessity require such operation. The commission may, in its discretion and for good and sufficient reason, issue a temporary certificate authorizing such operation and hold the prescribed hearing at a later date and then determine whether a certificate shall be finally issued; but no temporary certificate shall be issued for a period longer than 30 days. No temporary certificate shall be extended or renewed, and no temporary certificate shall be issued, unless the applicant has paid the fees and has established proof of financial responsibility for liability for personal injury or property damage as required by sections 1510 to 1512.

The commission may authorize transportation of baggage, mail and express for hire in passenger motor vehicles in such cases as the said commission, after notice given to motor car-

riers operating under chapter 93 and to the extent therein provided, and after hearing, at which persons protesting shall be heard on such matters as may be applicable under this or other laws, finds the transportation of baggage, mail and express for hire in passenger vehicles to be in the public interest. Such authority shall be made a part of the certificate of public convenience and necessity described above and may be made subject to such terms, conditions and restrictions as said commission may prescribe.

R.S.1954, c. 48, § 5; 1955, c. 41; 1959, c. 107, § 2.

### **§ 1506. Certificate required**

Any person, firm or corporation operating a motor vehicle or motor vehicles as described in section 1501 on any street or highway in this State, without having obtained from the commission a certificate permitting such operation, may be restrained and enjoined from such operation upon a complaint addressed to the Superior Court and brought by any certificate holder under this chapter, or by any carrier of passengers for hire under any other law of this State.

R.S.1954, c. 48, § 6; 1961, c. 317, § 120; c. 417, § 134.

### **§ 1507. Transfer of certificate**

Any such certificate may be assigned and transferred, with the approval and consent of the commission but not otherwise, by the holder or the personal representatives of said holder to whom the rights and privileges under said certificate shall pass at the death of said holder. The commission is authorized to prescribe the conditions precedent to such transfer and make any necessary rules and regulations pertaining thereto.

R.S.1954, c. 48, § 7.

### **§ 1508. Revocation of certificate**

The commission shall have the right to revoke a certificate of any person, firm or corporation who shall fail to comply with the rules and regulations as provided in section 1503.

R.S.1954, c. 48, § 8.

### **§ 1509. Records and reports to be filed**

Every person, firm or corporation operating any motor vehicle or trailer under this chapter shall keep an accurate record



of the mileage, of the number of trips made, number of passengers carried, of the receipts from operation, operating and other expenses, etc. and shall file with the commission, at such times and in such form as it may prescribe, reports duly verified covering the period fixed by the commission. The commission shall prescribe the character of the information to be embodied in such reports and furnish a blank form therefor.

R.S.1954, c. 48, § 9.

**§ 1510. Financial responsibility for personal injury or property damage**

The Secretary of State shall not register any motor vehicle or trailer subject to the supervision and control of the commission under this chapter, and the commission shall not issue a certificate permitting the operation of such motor vehicle or trailer, and no person or persons shall operate or cause to be operated upon any public highway any such motor vehicle or trailer unless, in the opinion of the commission, the owner or owners thereof are financially responsible through insurance, indemnity bond or otherwise to respond to any legal liability for personal injury, the death of any person or property damage which may result from or have been caused by the use or operation of such motor vehicle or trailer.

When, in the opinion of the commission, the carrier's insurance, indemnity bond or other proof of financial responsibility is inadequate to meet its legal liabilities under this section, the commission shall forthwith require that the registration plates issued to said carrier by the Secretary of State be returned thereto.

R.S.1954, c. 48, § 10; 1959, c. 18.

**§ 1511. Extent of financial responsibility**

The extent to which such financial responsibility shall be required shall be determined by the commission and shall be subject to change from time to time.

R.S.1954, c. 48, § 11; 1959, c. 18.

**§ 1512. Filing of proof**

The commission may require such proof of insurance or indemnity bond or such form of insurance or indemnity bond or such appointment of agent for service of process or the de-

posit or segregation of such securities or such proof of other type of financial responsibility as it shall deem appropriate to the establishment and continuance of such financial responsibility. No insurance or indemnity bond given to satisfy the requirements of sections 1510 to 1512 shall lapse, expire or be cancelled until at least 30 days' written notice shall have been given to the commission and the Secretary of State of an intention to cancel by the insurer or bond guarantor. Carriers may appeal from the commission's decision under sections 1510 to 1512 as prescribed in applicable provisions of chapters 1 to 17.

R.S.1954, c. 48, § 12; 1959, c. 18; 1963, c. 414, § 24.

### **§ 1513. Notice to company of injury or damage**

Any person sustaining bodily injuries, or injury to or destruction of his property, and the personal representatives of any person sustaining death by reason of an accident arising out of the ownership, operation, maintenance or use upon the ways of the State of any motor vehicle or trailer subject to the supervision and control of the commission, shall within one year thereafter give to the company or individuals executing any motor vehicle liability bond as surety for the owner or the person responsible for the operation of such motor vehicle or trailer involved in such accident, or to the liability insurance company issuing the motor vehicle liability policy covering such owner or other person, a notice in writing of the time, place and cause of the said injury, death or damage.

R.S.1954, c. 48, § 13.

### **§ 1514. Limitation of action**

Civil actions for injuries to the person or for death and for injuries to or destruction of property, caused by the ownership, operation, maintenance or use on the ways of the State of motor vehicles or trailers, subject to the supervision and control of the commission, shall be commenced only within 2 years next after the cause of action occurs.

R.S.1954, c. 48, § 14; 1961, c. 317, § 121.

### **§ 1515. Action in name of State when judgment unsatisfied; limitation**

If a judgment rendered against the principal of a motor vehicle liability bond or against the person responsible for the operation of the principal's motor vehicle or trailer is not satisfied within 30 days after its rendition, the judgment creditor may for

his use and benefit and at his sole expense bring an action in the name of the State against the surety company or individuals executing the bond, but no action shall be brought later than 4 months from the date of the original execution.

R.S.1954, c. 48, § 15.

**§ 1516. Inducements not specified in policy or bond prohibited; rebates prohibited**

No insurance or surety company, officer, agent or attorney thereof, or individuals, and no insurance broker shall pay or allow, or offer to pay or allow any valuable consideration or inducement not specified in the policy or contract, in connection with placing or negotiating any motor liability bond or any motor liability policy, both as defined in section 1510. No such insurance or surety company, officer, agent, broker or individuals shall at any time pay or allow or offer to pay or allow any rebate of any premium paid or payable on any such policy of insurance or bond.

R.S.1954, c. 48, § 16.

**§ 1517. Accepting rebates prohibited; self-incrimination; immunity**

No person shall receive or accept from any insurance or surety company, or officer or agent thereof or any other person, any such rebate or premium paid or payable on any such motor vehicle liability bond or any such motor vehicle liability policy, at a rate less than that specified in the policy or contract. No person shall be excused from testifying, or from producing any books, papers, contracts, agreements or documents at the trial of any other person charged with violating any provision of this section and section 1516 on the ground that such testimony or evidence may tend to incriminate himself. No person shall be prosecuted for any act concerning which he shall be compelled so to testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

R.S.1954, c. 48, § 17.

**§ 1518. Violations**

Any person who shall violate any provision of this chapter shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 48, § 18.