

# MAINE STATE LEGISLATURE

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January 28, 1935

Hon. Albert J. Stearns, Chairman  
The Public Utilities Commission  
Augusta, Maine

Dear Sir:

In your letter of December 22, 1934, you ask for an opinion in the interpretation of certain provisions contained in Chapter 259 of the Public Laws of 1933, entitled:

AN ACT Providing for the Regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire in the State of Maine, and for the Supervision and Control of Such Motor Vehicles."

Section 2 prohibits the transportation of freight for hire, by a "Common Carrier" over regular routes between points in Maine without having obtained from the Public Utilities Commission a certificate declaring that public necessity and convenience require and permit such operation.

Section 3 provides that,--

"Any person, firm or corporation required by procure the certificate above mentioned, shall be subject to all the provisions of chapter 62 of the revised statutes so far as applicable". etc.

Section 4 provides that,--

"The owner and/or operator of every motor vehicle subject to the two preceding sections shall file with the commission a schedule or schedules showing the rates or charges for services rendered or furnished or to be rendered or furnished within the State."

Section 25 of Chapter 62 of the revised statutes above referred to in section 3, provides that,--

"Every public utility shall file with the commission within a time to be fixed by the commission, schedules which shall be open to public inspection showing all rates, tolls, and charges which it has established and which are in force at the time of any service performed by it within the state."

By comparison it is evident that the provisions of sections 4 of chapter 259, P. L. 1933, and 25 of Chapter 62, R. S., are practically identical. Chapter 259 neither authorizes nor prohibits through routes or joint rates, while sections 25 to 32, inclusive, deal clearly with through routes and joint rates between competing railroads. That the legislature failed, in chapter 259, to provide for through routes or joint rates, seems to me to indicate that it was considered that the provisions of chapter 62 were applicable thereto. In construing section 3 of chapter 259, I think your Commission might well recognize the distinction between the value of the through haul and the local haul. This distinction has long been recognized and I am of the opinion that the section of the law dealing with the local rate was not intended to deal in any sense with the through rate.

While the matter is not wholly free from doubt, it seems to me that the foregoing indicates that it was the intent of the legislature that common carriers holding certificates of convenience and necessity issued by the Commission under said chapter 259, may be permitted to establish through routes and joint rates under the provisions of said Act, which rates may be less than the sum of the local rates between

the terminal points of said through routes.

Very truly yours,

Deputy Attorney General

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