

# MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

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**Legislative Document**

**No. 617**

H. P. 442

House of Representatives, January 19, 1961

Referred to Committee on Transportation. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Ham of Brewer.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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**AN ACT Requiring Private Motor Vehicle Carriers to Comply With Public  
Utilities Commission Safety Rules.**

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**Emergency preamble.** Whereas, "common carriers" and "contract carriers" are subject to the safety rules and regulations promulgated by the commission; and

Whereas, "private carriers" and "exempt carriers" are not presently subject to the safety rules and regulations promulgated by the commission; and

Whereas, the purpose of such rules and regulations is to safeguard the persons and property of those upon and along the highways, including the Maine Turnpike, within this State arising from the operation thereon, by persons physically unfitted or physically impaired from exhaustion or other causes, of motor trucks, tractors and trailers, and from operation thereon of motor trucks, tractors and trailers without reasonably proper safety devices and appliances; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., c. 48, § 29, sub-§ I, amended.** The first paragraph of subsection I of section 29 of chapter 48 of the Revised Statutes is repealed and the following enacted in place thereof:

'The operation over the highway of motor vehicles, as set forth in the following paragraphs, shall be exempted from sections 20 to 28, except that the commission shall have the authority to make such safety rules and regulations at it may deem necessary or advisable to promote the safety of the operation over the highways, including the Maine Turnpike, of this State of such motor vehicles:'

Sec. 2. R. S., c. 48, § 34, additional. Chapter 48 of the Revised Statutes, as amended, is further amended by adding a new section to be numbered 34, to read as follows:

**'Compliance With Safety Rules.**

Sec. 34. Private motor vehicle carriers subject to safety rules and regulations. "Private carrier" means any person not included in the term "common carrier" or "contract carrier" who transports by motor vehicle property of which he is the owner, lessee or bailee, when such transportation is for the purpose of sale, lease, rent or bailment or in the furtherance of any commercial enterprise. Ownership of the property transported shall not be accepted as sufficient proof of a private carrier operation if the carrier is in fact engaged in the transportation of property for hire, compensation or remuneration, or if such transportation operations are conducted for profit and not merely as an incident to a commercial enterprise.

No "private carrier" shall engage in the business of transporting property by motor trucks, tractors and trailers upon and along the highways, including the Maine Turnpike, of this State until such time as said "private carrier" shall have complied fully with the safety rules and regulations promulgated by the commission.

The safety rules and regulations promulgated by the commission correspond in general with the safety provisions of the Interstate Commerce Commission to the end that uniformity between the state and federal safety regulations shall be established and maintained insofar as practicable.

Those "private carriers" currently operating under the safety rules and regulations of the Interstate Commerce Commission shall be considered as having complied with the safety rules and regulations of this commission.

Any person, firm or corporation violating, or any officer, agent or employer of such person, firm or corporation who orders, authorizes or knowingly permits the violation of this section, 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.'

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.