

MAINE STATE LEGISLATURE

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(EMERGENCY)
New Draft of: S. P. 378, L. D. 1104

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1965

S. P. 634

In Senate, May 24, 1973

Reported by Senator Cyr of Aroostook from the Committee on Public Utilities and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT Relating to Public Utilities Commission Rate Regulation for
Carriers of Freight.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, existing statutory procedure for processing motor carrier requested rate increases permits and requires that said rate increases become effective 30 days after filing with the Public Utilities Commission subject to refund to the extent the commission finds said increases excessive; and

Whereas, such procedure has been demonstrated to result in unnecessary costs, confusion and certain inequities when a refund is required; and

Whereas, it is the considered judgment of the Legislature that such procedure should be modified to allow the Public Utilities Commission to suspend said proposed increases for a period of 120 days during which time the commission processes the case and thereby eliminating the requirement of a refund; and

Whereas, it appears that the motor carrier industry is about to request a rate increase; and

Whereas, it the judgment of the Legislature that such rate increase be processed pursuant to the procedure herein established as opposed to the procedure which presently exists; 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., T. 35, § 1553, amended. The last sentence of section 1553 of Title 35 of the Revised Statutes is amended to read as follows:

Such person, firm or corporation and the service rendered or furnished shall be included under the general supervision and regulation of the commission and shall be subject to its jurisdiction and control in the same manner and to the same extent as service performed by other persons, firms or corporations engaged in the transportation of freight or merchandise as common carriers for hire, as provided in said chapters, except that sections 52, 69, 70 and 171 to 211 shall not so apply.

Sec. 2. R. S., T. 35, § 1554, amended. Section 1554 of Title 35 of the Revised Statutes, as amended by chapter 392 of the public laws of 1967, is further amended by adding after the first sentence, new sentences to read as follows:

The commission may at any time before the effective date of such schedule, by delivering notice thereof to the agency filing such schedule and to the common carriers affected thereby, suspend the operation of such schedule or any part thereof, but not for a longer period than 120 days from the date of filing such schedule. The commission may, on its own motion or on complaint by an interested party, after notice and hearing, allow or disallow, alter or prescribe such rates. Whenever the commission receives notice of any change or changes in a schedule or schedules which it determines to be a general rate increase, within 14 days thereafter it shall give such public notice, or require the carrier by whom such change is proposed to be made to give such public notice, of such changes as the commission deems necessary. For purposes of this section, a determination by the commission that any change is or is not a general rate increase is final and not subject to review.

Sec. 3. R. S., T. 35, § 1554, amended. Section 1554 of Title 35 of the Revised Statutes, as amended by chapter 392 of the public laws of 1967, is further amended by adding after the 6th sentence 2 new sentences to read as follows:

Whenever any carrier shall file with the commission and with the Interstate Commerce Commission, a tariff containing both intrastate rates and interstate rates on the same commodity, and prior to the effective date thereof the interstate rates are suspended by the Interstate Commerce Commission, then the commission shall have power to suspend, at any time within 10 days after the date of the suspension order issued by the Interstate Commerce Commission, the proposed intrastate rates, and such suspension may be kept in full force and effect so long as the interstate rates shall continue under suspension with a reasonable time thereafter for preparation of and issue of decision. The commission may, with the consent of the Governor and Council,

hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to Regulate Commerce, and applicable amendments.

Sec. 4. R. S., T. 35, § 1554, amended. The 7th and 8th sentences of section 1554 of Title 35 of the Revised Statutes are amended to read as follows:

~~Such rates~~ Any rate schedule or schedules which are the subject of this section shall be just and reasonable. Such schedule or schedules shall be subject to the approval of the commission. **At any hearing involving such rate schedule or schedules or change therein, the burden of proof to show that such change is reasonable shall be upon the common carrier.**

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