

MAINE STATE LEGISLATURE

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(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1891

H. P. 1771 House of Representatives, January 25, 1980
The Speaker laid before the House and on Motion of Mr. Davies of Orono referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House
Presented by Mr. Vose of Eastport.
Cosponsor: Mr. McKean of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Establish a Modified Procedure on Matters before the Public Utilities Commission Relating to Contract Carrier Permits and Special and Charter Bus Licenses.

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

Sec. 1. 35 MRSA § 1555, sub-§ 3, first sentence, as repealed and replaced by PL 1977, c. 46, is repealed and the following enacted in its place:

The commission shall hold a hearing on an application for a permit if a hearing is requested, within 15 days after notice is given, by a common carrier serving the same route. The commission may, in its discretion, hold a hearing on any application. No application or any part thereof may be denied without a hearing.

Sec. 2. 35 MRSA § 1557, sub-§ 3, 3rd sentence, as enacted by PL 1979, c. 100, is repealed and the following enacted in its place:

The commission shall hold a hearing on an application for assignment and transfer of a common carrier certificate if a hearing is requested within 15 days after notice of the application is given. The commission may, in its discretion, hold a hearing on any application for assignment and transfer of a common carrier certificate or a contract carrier permit. No application or any part thereof may be denied without a hearing.

Sec. 3. 35 MRSA § 1643, 3rd, 4th, 5th and 6th sentences, as repealed and replaced by PL 1979, c. 81, are repealed and the following enacted in their place:

The commission shall give notice of the application to any common carrier offering the same or similar service and to such other parties as it deems necessary. The commission shall hold a hearing on the application if a hearing is requested, within 15 days after notice is given, by a common carrier providing the same or similar service. The commission may, in its discretion, hold a hearing on any application. No application or any part thereof may be denied without a hearing. A license shall be issued to any qualified applicant, authorizing all or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able to perform the service proposed and to conform to the applicable provisions of law and the requirements, rules and regulations of the commission, and that the proposed service to the extent to be authorized by the license is or will be consistent with the public interest and the policy described in section 1641; otherwise the application shall be denied.

STATEMENT OF FACT

This bill would eliminate the requirement of a hearing on an application for a contract carrier permit unless requested by a common carrier serving the same route. Under existing law, the requirement of a hearing is triggered by the filing of an objection to the application regardless of whether the individual objecting to the application has an interest in the outcome of the proceeding.

The bill would not change current law regarding assignment and transfers of common carrier certificates but would eliminate the requirement of a hearing on applications for assignment and transfer of contract carrier permits.

The bill would also eliminate the requirement of a hearing on applications for a license to operate a bus in charter or special service unless a hearing is requested by a common carrier providing the same or similar service.

The bill also provides that the commission may, in its discretion, hold a hearing on any of these applications and that no application, or any part thereof, may be denied without a hearing.