

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 596

H. P. 530

House of Representatives, February 3, 1981

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative McKean of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Authorize the Public Utilities Commission to Grant the Assignment and Transfer of Special or Charter Licenses.

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

35 MRSA § 1643, as last amended by PL 1979, c. 702, § 5, is further amended by adding after the first paragraph a new paragraph to read:

Any license issued under this chapter may be assigned and transferred, with the approval and consent of the commission but not otherwise, by the holder or by the personal representatives of the holder to whom the rights and privileges under the license shall pass at the death of the holder. The commission is authorized to prescribe the conditions precedent to such transfer and to make any necessary rules and regulations pertaining thereto. The commission shall give notice of all requests for assignment and transfer in such manner and to such persons, agencies and carriers as it deems necessary. The commission shall hold a hearing on an application for assignment and transfer of a special or charter license if a hearing is requested within 15 days after notice of the application is given, by a common carrier having a direct and substantial interest in the outcome of the proceeding. The commission may, in its discretion, hold a hearing on any application for assignment and transfer of a special or charter license. No application, or any part thereof, may be denied without providing the applicant an opportunity for a hearing if requested. The commission may, in its discretion and for good cause shown, issue a temporary authority permitting the transferee to

conduct special or charter passenger operations within the scope of the license of the transferor pending final determination by the commission as to whether the petition to assign and transfer the license should be granted or denied. No temporary authority may be issued unless the transferee has paid fees, procured insurance, and is in compliance with the commission's rules and regulations governing the transportation of passengers for-hire.

STATEMENT OF FACT

This bill would allow the commission to authorize the assignment and transfer of special or charter licenses. A hearing would be required only upon the request of a competing common carrier of passengers. Currently, no statutory authority exists to allow such transfers. The language of the bill is substantially similar to the language of Title 35, section 1557, subsection 3, which allows for the transfer of certificates and permits for carriers of freight.