

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 683

H. P. 606

House of Representatives, February 5, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative McGowan Pittsfield.

Cosponsor: 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 Temporary Licenses to Applicants for 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 at the end a new paragraph to read:

The commission may issue a temporary special or charter license without holding a hearing when the commission finds that there exists an immediate and urgent need for the proposed operation, and that the issuance of a temporary license will not be contrary to the declaration of policy set forth in section 1641 or seriously infringe on common carrier service. A temporary license is valid for 180 days unless the commission specifies a shorter time. A common carrier serving in the same area may request a hearing to determine the extent of any infringement on its operations while the license is in effect. If the commission determines, after hearing, that there will be a serious infringement, the commission may, notwithstanding Title 5, section 10051, terminate the temporary license. The issuance of a temporary license does not create a presumption that corresponding permanent authority will be granted thereafter. No temporary license may be issued unless the applicant has: Paid the fees as required in this section; established proof of financial responsibility for personal injury or property damage as required by sections 1510 and 1511; and met any other requirements as may from time to time be prescribed by the commission.

STATEMENT OF FACT

This bill would allow the commission to issue temporary licenses to applicants for special or charter authority. Currently, no such power exists. The language of the proposed bill is similar to Public Law 1979, chapter 702, section 3, which amended Title 35, section 1555, subsection 5, allowing for grants of temporary authority to contract carriers.