

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 734

H. P. 644

House of Representatives, February 9, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Ridley of Shapleigh.

Cosponsor: Representative Weymouth of West Gardiner.

STATE OF MAINE

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

**AN ACT Relating to Action by the Public Utilities Commission on Applications by Motor Common Carriers of Passengers for Certificates of Public Convenience and Necessity.**

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

**Sec. 1. 35 MRSA § 1505, first ¶, 2nd sentence is amended to read:**

Nor shall the commission issue an original certificate or amend a certificate unless it finds ~~after public hearing~~ that public convenience and necessity require such operation.

**Sec. 2. 35 MRSA § 1505, first ¶, as amended by PL 1969, c. 181, § 1, is further amended by adding after the 2nd sentence four new sentences to read:**

**The commission shall give notice of the application to any common carrier offering the same or similar service and to such other parties as the commission 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 having a direct and substantial interest in the outcome of the proceeding. The commission may, in its discretion, hold a hearing on any application. No application or any part thereof may be denied without providing the applicant an opportunity for a hearing if requested.**

## STATEMENT OF FACT

This bill would allow the commission to issue a certificate of convenience and necessity to a motor common carrier of passengers without a hearing unless a competing common carrier objects to the application or unless the commission determines in its discretion that a hearing is expedient. Under present law, a hearing is required regardless of whether any other carrier has an interest in the proceeding. This bill is consistent with Public Law 1979, chapter 702, section 5, which amended the hearing requirement of Title 35, section 1643, regarding applications for special and charter licenses.