

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 163

In Senate, March 1, 1923.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Cram of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Provide for the Supervision, Regulation and Conduct of the Transportation of Persons over the Public Highways of the State of Maine by Automobiles, Jitney Busses, and Auto Stages by the Public Utilities Commission.

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

Section 1. (a) The term "corporation" when used in
2 this act, means a corporation, a company, an association or
3 a joint stock association.

(b) The term "person" when used in this act means an
2 individual, a firm or co-partnership.

(c) The term "auto transportation company" when used
2 in this act means every corporation or person, their lessees,

3 trustees, receivers or trustees appointed by any court what-
4 soever, owning, controlling, operating, or managing any
5 automobile, jitney bus, or auto stage, used in transportation
6 of persons, for compensation between fixed termini or over
7 a regular route over any public highway, road or street in
8 the state of Maine.

(d) The term "public highway" when used in this act
2 means every public street, road or highway, whether city,
3 county or state, in this state.

(e) The words "between fixed termini or over a regular
2 route," when used in this act, means that termini or route
3 between or over which any corporation, firm, person or asso-
4 ciation, their lessees, trustees, receivers, or trustees ap-
5 pointed by any court whatsoever, is usually or ordinarily,
6 operating any automobile, jitney bus, or auto stage, even
7 though there may be departures from said termini or route,
8 whether such departures be periodic or irregular. Whether
9 or not any automobile, jitney bus, or auto stage is operating
10 between fixed termini or over a regular route within the
11 meaning of this act, shall be a question of fact and the find-
12 ing of the public utilities commission thereon shall be final
13 and shall not be subject to review.

Sect. 2. No corporation, person, firm or association, their
2 lessees, trustees, receivers, or trustees appointed by any
3 court whatsoever, shall operate any automobile, jitney bus,
4 or auto stage for the transportation of persons, for com-
5 pensation, on any public highway, road or street in this

6 state, except in accordance with the provisions of this act.

Sect. 3. The public utilities commission of the state of
2 Maine is hereby vested with power and authority and it
3 is hereby made its duty to supervise and regulate every
4 auto transportation company in this state; to fix the rates,
5 fares, charges, classifications, rules and regulations of each
6 such auto transportation company; to regulate the accounts,
7 service and safety of operations of each such auto trans-
8 portation company, to require the filing of annual and other
9 reports and of other data by such auto transportation com-
10 panies; and to supervise and regulate auto transportation
11 companies in all other matters affecting the relationship
12 between such companies and the traveling public. The
13 public utilities commission shall have power and authority
14 by general order or otherwise, to prescribe rules and regu-
15 lations applicable to any and all auto transportation com-
16 panies. The public utilities commission in the exercise of
17 the jurisdiction conferred upon it by the laws of this state
18 and by this act, shall have power and authority to make
19 orders and to prescribe rules and regulations affecting auto
20 transportation companies, notwithstanding the provisions of
21 any ordinance or permit of any incorporated city or town,
22 city and county, or county, and in case of conflict between
23 any such order, rule or regulation and any such ordinance
24 or permit, the order, rule or regulation of the public utili-
25 ties commission shall in each instance prevail.

Sect. 4. In fixing the tariffs or rates to be charged for

2 the carrying of persons under the terms of this act, the
3 commission shall take into consideration the kinds and char-
4 acter of service to be performed, and may in its discretion
5 prescribe a different tariff or rate for regular service than
6 that for irregular or occasional service, and when a rate
7 so fixed by the public utilities commission shall have been
8 established, it shall be unlawful for any person, corpora-
9 tion, firm or association, their lessees, trustees or receivers,
10 to charge any different rate than that prescribed by the com-
11 mission.

Sect. 5. No auto transportation company shall operate
2 any automobile, jitney bus, or auto stage for the transpor-
3 tation of persons for compensation, over any public high-
4 way in this state between fixed termini or over a regular
5 route without first having obtained from the public utilities
6 commission a certificate declaring that public convenience
7 and necessity require such operation. Any right, privilege,
8 franchise or permit held, owned or obtained by any auto
9 transportation company may be sold, assigned, leased, trans-
10 ferred or inherited as other property, only upon author-
11 ization by the public utilities commission. The public utili-
12 ties commission shall have power, with or without hear-
13 ing, to issue said certificate as prayed for, or to refuse to
14 issue the same, or to issue it for the partial exercise only
15 of said privilege sought, and may attach to the exercise of
16 the rights granted by said certificate such terms and con-

17 ditions as, in its judgment, the public convenience and neces-
18 sity may require.

The public utilities commission may at any time for a
2 good cause suspend and upon notice to the grantee of any
3 certificate and opportunity to be heard revoke, alter or
4 amend any certificate issued under the provisions of this
5 section.

Sect. 6. No auto transportation company may issue any
2 stock or stock certificate, or any bond, or any note or other
3 evidence of indebtedness payable at a period of more than
4 twelve months after the date thereof unless such auto trans-
5 portation company, in addition to the other requirements
6 of law, shall first have secured from the public utilities com-
7 mission an order authorizing such issue and stating the
8 amount thereof and the purpose or purposes to which the
9 issue or the proceeds thereof are to be applied and that,
10 in the opinion of the public utilities commission, the money,
11 property or labor to be procured or paid for by such issue
12 is reasonably required for the purpose or purposes speci-
13 fied in the order and that, except as otherwise permitted
14 in the order in the case of bonds, notes and other evidences
15 of indebtedness, such purpose or purposes are not, in whole
16 or in part, reasonably chargeable to operating expenses or
17 to income. Such order may be made, in the discretion of
18 the public utilities commission, either with or without a
19 public hearing.

Sect. 7. The public utilities commission shall in the grant-

2 ing of certificates to operate any auto transportation com-
3 pany for transporting persons for compensation, require the
4 owner or operator to first procure liability and property
5 damage insurance from a company licensed to make lia-
6 bility insurance in the state of Maine or a surety bond of
7 a company licensed to write surety bonds in the state of
8 Maine on each motor propelled vehicle used or to be used
9 in transporting persons, for compensation, in the amount
10 of not to exceed five thousand dollars for any recovery for
11 personal injury by one person and not less than ten thou-
12 sand dollars and in such additional amount as the public
13 utilities commission shall determine, for all persons receiv-
14 ing personal injury by reason of one act or negligence and
15 not to exceed one thousand dollars for damage to property
16 of any person other than the assured, and maintain such
17 liability and property damage insurance or surety bond in
18 force on each motor propelled vehicle while so used. Each
19 policy for liability or property damage insurance or surety
20 bond required herein, shall be filed with the public utilities
21 commission and kept in full force and effect and failure so
22 to do shall be cause for the revocation of the certificate.

Sect. 8. Every officer, agent or employee of any auto
2 transportation company and every other person who vio-
3 lates or fails to comply with or who procures, aids or abets
4 in the violation of any provision of this act, or who fails
5 to obey, observe or comply with any order, decision, rule
6 or regulation or requirement or any part or provision there-

7 of of the public utilities commission, or who procures, aids
8 or abets any corporation or person in his failure to obey
9 any order, decision, rule or regulation or any part or pro-
10 vision thereof, is guilty of a misdemeanor and is punish-
11 able by a fine, not exceeding one thousand (\$1,000.00) dol-
12 lars, or imprisonment in the county jail not exceeding one
13 year, or by both such fine and imprisonment.

All trial justices and courts having jurisdiction in crim-
2 inal matters shall have jurisdiction over the offenses com-
3 mitted by a violation of this act or any part thereof.

Sect. 9. It is hereby made the duty of the county attor-
2 ney in any county wherein any corporation, firm, person
3 or association shall violate any of the provisions of this act
4 or any order of the public utilities commission to prosecute
5 any person, firm or officer so violating the same.

Sect. 10. Neither this act nor any provisions thereof shall
2 apply or be construed to apply to commerce of foreign na-
3 tions or commerce of any state of this union, except in so
4 far as the same may be permitted under the constitution of
5 the United States and the acts of congress.

Sect. 11. If any section, sub-section, sentence, clause or
2 phrase of this act is for any reason held to be unconstitu-
3 tional, such decision shall not affect the validity of the re-
4 maining portion of this act.

Sect. 12. This act shall not repeal any of the existing
2 law or laws, relating to motor propelled vehicles, their own-
3 ers or operators, or requiring compliance with any condi-

4 tion for their operation, except that chapter one hundred
5 eighty-four of the public laws for nineteen hundred twenty-
6 one is hereby repealed.