

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 105

S. P. 97

In Senate, Jan. 22, 1931.

Referred to Committee on Public Utilities. 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

STATE OF MAINE

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

AN ACT Providing for the Regulation, Supervision and Control of Motor Vehicles used in the Transportation of Property for Hire in the State of Maine.

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

Chapter sixty-two of the revised statutes of Maine (revision of 1930) is hereby amended by adding after section thirty-eight thereof the following new sections:

Transportation by Motor Truck

'Sect. 38(a). The business of transporting freight or merchandise for hire upon the public ways of this state shall be deemed to be a business affecting the public interest. From and after January first 1932 no person, corporation, partnership, railroad, street railroad or other transportation company, shall operate any motor vehicle, or motor vehicle and trailer, not running on rails or tracks upon any public way in the business of transporting freight or merchandise for hire, over regular routes (as hereinafter defined) extending beyond the limits of a single city or town or between fixed termini, without first obtaining from the commission a certificate declaring that public necessity and convenience require and permit such operation; no provision in this act, however, shall authorize the use by any motor vehicle of any highway or

street in any municipality in violation of any charter provisions or ordinance thereof, nor shall this act be construed as taking from, or in any manner curtailing, the right of any city, town or village to regulate and control the routing, parking, speed or safety of operation of motor vehicles operated under the provisions of this act, or as curtailing the general police power of any such city, town or village over its highways or streets, nor shall this act be construed as abrogating any provisions of the charter of any such municipality requiring certain conditions to be complied with before such motor vehicle shall be operated on the highways or streets of such city, town or village. Immediately after the effective date of this act the commission shall have authority and jurisdiction to determine applications for certificates of public convenience and necessity, and may, after notice and hearing, issue or refuse to issue such a certificate or may issue a limited certificate subject to such restrictions and limitations as may be consistent with the public necessity or convenience; such certificates shall not be required in respect of transportation of freight or merchandise for hire when the same is exclusively interstate or is wholly within the limits of any one city or town. In determining whether or not such a certificate shall be issued, the commission shall give weight and due regard to (1) existing transportation facilities, (2) the safety and convenience of the general public in the use of the ways over which the applicant proposes to operate, and (3) the financial ability, responsibility and qualifications of the applicant. The commission may also, after notice and hearing, amend or alter the terms of said certificate, or may revoke it for cause shown or if it appears that the public convenience and necessity no longer require its continuance; upon such revocation the right of any person to operate thereunder forthwith shall terminate. Certificate of public convenience and necessity may, with the consent of the commission, be assigned or transferred. The words "regular routes" as used in this section mean those routes over which any person, firm or corporation is usually or ordinarily operating any motor vehicle, even though there may be departures from said routes, whether such departures be periodic or irregular. The commission may, and upon complaint by any interested party shall, after notice and hearing, determine

whether any motor vehicle is being operated in violation of the provisions of this section. Whether or not any motor vehicle is being operated over regular routes or between fixed termini, within the meaning of this act, shall be a question of fact, and the finding of the commission thereon shall be final and shall not be subject to review, except that questions of law may be raised in the manner provided in sections sixty-three and sixty-four of this chapter.

Sect. 38(b). Any person, firm or corporation required to procure a certificate of public convenience and necessity under the provisions of the preceding section shall be subject to all the provisions of this chapter, so far as applicable, and to such orders, rules or regulations as shall be adopted and promulgated by the commission under the authority of this chapter; and such person, firm or corporation, and the service furnished or rendered for hire, shall be included under the general supervision and regulation of the commission and shall be subject to its jurisdiction and control in the same manner and to the same extent as the service performed by other persons, firms or corporations engaged in the transportation of freight or merchandise for hire as provided for in this chapter, except that sections forty to forty-four, both inclusive, of this chapter shall not apply to persons, firms or corporations engaged in transporting freight or merchandise for hire upon public ways.

Sect. 38(c). Every motor vehicle engaged in the transportation of freight or merchandise for hire, and operating by virtue of a certificate issued under section thirty-eight (a), shall carry conspicuously displayed such sign, plates or other indication as shall be prescribed and furnished by the commission to show that it is so operating; the applicant shall pay to the commission such reasonable charge as the commission shall determine for such sign, plate or other indication. Nothing in the two preceding sections shall lessen or affect the authority or powers of the secretary of state, the state highway commission or the state highway police, as by statute provided, with respect to motor vehicles and the owners or operators thereof.

Sect. 38(d). The owner or operator of every motor vehicle subject to the three preceding sections shall file with the commission a schedule or schedules showing the rates or charges

for service rendered or furnished, or to be rendered or furnished, within the state; such schedule or schedules shall be subject to the approval of the commission. No such owner or operator shall charge, demand, exact, receive or collect for any service rendered an amount greater or less than the rate specified in such schedule or schedules. The commission may on its own motion, or on complaint by any interested party, and after notice and hearing, allow or disallow, alter or prescribe such rates.

Sect. 38(e). The secretary of state shall not register any motor vehicle or trailer subject to the provisions of the four preceding sections, and the public utilities commission shall not issue a certificate permitting the operation of such motor vehicle or trailer, and no person, firm or corporation shall operate or cause to be operated upon any public highway any such motor vehicle or trailer, until the owner or owners thereof shall have procured insurance, or bond having, as surety thereon, a surety company authorized to transact business in this state or two responsible individuals (which bond shall be approved by the commission), and which insurance or bond shall indemnify the insured against any legal liability for personal injury, for the death of any person, or for any loss or damage to property, whether such property is being transported or otherwise, which injury, death or damage may result from, or may have been caused by, the use or operation of the motor vehicle or trailer described in the contract of insurance or such bond. All of the provisions of sections eight to fourteen, both inclusive, of chapter sixty-six of the revised statutes of Maine (revision of 1930) shall apply to insurance policies and bonds required under the provisions of this section.

Sect. 38(f). Any person, firm or corporation violating any of the provisions of the five preceding sections shall be fined not less than ten dollars or more than five hundred dollars, or imprisoned not more than one year, or may be both fined and imprisoned.