

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 379

H. P. 1117

House of Representatives, February 9, 1937.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Webber of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

**AN ACT to Enlarge and Define the Powers of the Androscoggin and
Kennebec Railway Company.**

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

Sec. 1. Bus service may be established. The Androscoggin and Kennebec Railway Company, a corporation formed under the provisions of chapter 64 and section 76 of chapter 56 of the revised statutes of 1930, and confirmed in its organization by section 1 of chapter 91 of the private and special laws of 1923, is authorized and empowered to establish and maintain bus service over regular routes for the carrying of passengers for hire by motor vehicles upon the public streets or highways within and between any of the cities and towns in which it now operates its electric railway system in addition to or in place of its electric railway service.

Sec. 2. Statement to be filed; certificate to be issued. Whenever said company shall from time to time undertake any of the said bus service, it shall file with the public utilities commission a statement of its intention showing the route or routes over which it proposes to run and the rail service, if any, for which said bus service is to be substituted. For all such service applied for in this manner, the public utilities commission shall issue a certificate in accordance with section 4 of chapter 66 of the

revised statutes of 1930, and in all other respects, except as provided in section 6 of this act, such bus operation shall be subject to the provisions of said chapter 66.

Sec. 3. May suspend operation of any route. The said company shall have the right from time to time to elect upon what route or routes or parts thereof said bus operation shall be made, and the time of starting such operation; provided, however, that it shall not be compelled at any time to provide bus service in place of rail service being operated. And the company may, by filing notice of its intention so to do with the public utilities commission, permanently suspend the operation of any of its rail routes or portions thereof, provided that, by so doing, it shall forfeit its rights to a certificate as matter of right for the said route or part of route under section 2 of this act, unless it shall at the same time give notice of its intention to substitute bus service over such route or part of route. The company shall have the right to proceed under chapter 66 of the revised statutes of 1930 for any variation or extension of bus routes established under this act, or for the operation of any other bus route not within the scope of this act.

Sec. 4. Failure to operate. Failure to operate such service over any route or part of route over which said company's electric railway is being operated shall not cause a forfeiture of the company's right to a certificate for such route or part of route as a matter of right under section 2 of this act. As to any route not being served, the company shall elect, when so required by the public utilities commission, whether it will establish and maintain said bus service thereon or forfeit its right to said certificate as matter of right thereafter to operate thereon.

Sec. 5. Franchise may be sold. Said company may, with the approval of the public utilities commission, sell its franchise to operate bus service under this act, before or after it shall have undertaken to exercise the same, with or without its franchise to maintain and operate its electric railway system, and any property devoted thereto, to any person, firm or corporation, and any person, firm or corporation may purchase and exercise the same, subject to all of the provisions of this act. If the franchise granted by this act is sold separately from the company's franchise to operate its electric railway system, the purchaser shall possess the same rights and immunities in respect of routes over which the electric service is being rendered which said company has while both franchises are owned by it. Wherever in this act provision is made for simultaneous acts in respect of any matter, such action by the owners of said 2 franchises, after

such sale, shall have the same effect as said acts by the company while it owns both franchises.

Sec. 6. Franchise tax. The provisions of section 31, chapter 65, of the revised statutes shall not be deemed to apply to any of the operations or locations of the company except its railway operations and locations. Said company shall be forever exempt from all municipal and state property and excise taxes, including registration fees, on its motor vehicles devoted to the transportation of passengers under this act upon filing with the secretary of state with its application for license and plates an affidavit in such form as the secretary of state may prescribe, that said vehicles are so to be used, and in lieu thereof, shall be subject to franchise taxes on its operating revenues as provided by law for the taxation of street and electric railways. While the franchise granted by this act is being exercised in conjunction with any part of the company's electric railroad said tax shall be imposed on its combined operations and its mileage operated shall be deemed to be the total number of miles regularly operated by both services.