

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 416

S. P. 198

In Senate, February 4, 1941.

On motion by Senator Libby of Cumberland referred to Committee on Public Utilities and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Libby of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relative to the Regulation of the Use of the Highways by Motor Vehicles Transporting Property and for the Supervision and Control of Such Motor Vehicles.

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

Sec. 1. P. L., 1933, c. 259, amended. Chapter 259 of the public laws of 1933, as amended by chapter 146 of the public laws of 1935, chapters 165, 171, 186 and 208 of the public laws of 1937 and chapter 140 of the public laws of 1939, hereby further is amended by adding thereto after section 6, the following new section:

‘Sec. 6-A. Private carriers by motor vehicle. (A). The term “private carrier by motor vehicle” means any person, firm or corporation not included in the terms “common carrier” and “contract carrier” as the same are used in sections 2, 3 and 5, respectively, of this act, who or which, transports or causes to be transported, in intrastate commerce by motor vehicle over any highway in this state, property of which such person, firm or corporation is the owner, lessee or bailee, when such transportation is for the purpose of sale, lease, rent or bailment or in furtherance of any commercial enterprise.

(B). It hereby is declared that operations of private carriers by motor vehicle over the highways affect the interests of the public, that the rapid increase in the number of motor vehicles so operating has increased the dangers and hazards on the highways, and that there should be the following regulation of private carriers by motor vehicle to the end that highways may be rendered safer for the use of the general public.

(C). The provisions of section 8 (A) of this act shall apply to private carriers by motor vehicle, and to all drivers operating motor vehicles owned, leased or controlled by such private carriers, in the same manner and to the same extent that said section applies to common carriers by motor vehicle and to contract carriers by motor vehicle and to drivers of motor vehicles owned, leased or controlled by such carriers.

(D). No private carrier by motor vehicle shall operate or cause to be operated, any motor vehicle on any highway unless there shall be in force, in respect of such private carrier and in respect of all motor vehicles owned, leased or controlled by him or it, and in respect of all persons driving the same, a good and sufficient policy of insurance or indemnity bond having as surety thereon a surety company authorized to transact business in this state; each such private carrier shall procure a policy or policies of insurance or an indemnity bond or bonds conditioned to pay any final judgment up to \$10,000 recovered against any such private carrier for bodily injuries or to the death of any person, up to \$20,000 for bodily injury to or death of persons arising from one accident, and up to \$5,000 for property damage, resulting from the negligent operation, maintenance or use of any motor vehicle operated, or caused to be operated, by such carrier.

(E). Upon complaint to the secretary of state by the commission or by any person, firm or corporation that any private carrier by motor vehicle has failed to procure a policy of insurance or indemnity bond as in paragraph (D) above provided, the secretary of state at once shall investigate and if it be found that such private carrier has not procured such insurance or bond the registration of the motor vehicles owned, leased or controlled by such private carrier and used in the transportation of property shall be suspended until such time as he shall file with the secretary of state and with the commission evidence, verified by an authorized representative of the surety, that such policy of insurance or indemnity bond has been procured and will remain in effect until canceled on not less than 30 days' written notice to the secretary of state and to the commission.'

Sec. 2. P. L., 1933, c. 259, § 10, amended. The last sentence of section 10 (A) of chapter 259 of the public laws of 1933, as amended by chapter 146 of the public laws of 1935, and by chapter 208 of the public laws of

1937, and by chapter 140 of the public laws of 1939, is hereby further amended to read as follows:

‘Nothing in this act contained, **except as otherwise specifically provided,** shall apply to persons, firms or corporations operating motor vehicles carrying property of which they are the actual and bona fide owners.’