

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. 524

S. P. 322

In Senate, February 6, 1941.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Batchelder of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

**AN ACT Providing for the Regulation of the Use of the Highways
Transporting Property for Hire.**

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

P. L., 1933, c. 256, § 5, amended. Section 5 (C) of chapter 259 of the public laws of 1933, as amended, hereby is amended to read as follows:

‘(C) No application for a permit shall be granted by the commission until after a hearing, nor shall any permit be granted if the commission shall be of opinion that the proposed operation of any such contract carrier **will be contrary to the declaration of policy set forth in section 1 of chapter 259 of the public laws of 1933** or will impair the efficient public service of any authorized (common) carrier or (common) carriers then adequately serving the same territory over the same general highway route or routes or that an increase in the number of contract carriers operating in the area to be served by the applicant will interfere with the use of the highways by the public. The commission shall give notice of such hearing, in such manner and to such persons, firms and corporations as it deems necessary, at least 7 days prior to the time fixed for such hearing (-), **except as otherwise provided by law. Permits granted by the commission shall authorize only such operations covered by the application as the**

commission finds to be justified by the evidence, and no permit shall be granted unless it appears that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of chapter 259 of the Public Laws of 1933, as amended, and to the rules and regulations of the commission issued thereunder. The commission shall specify in the permit the business and operations of the contract carrier covered thereby, and the scope thereof, and shall attach to it, at the time of issuance and from time to time thereafter, such reasonable terms, conditions and limitations as it may find consistent with said chapter 259 as amended; such terms and conditions may permit such contract carrier to substitute or add contracts which are within the scope of his permit, and such contract carrier shall have the right to add to his equipment and facilities within the scope of the permit as the development of his authorized business may require. Contract carriers now operating by virtue of so-called grandfather rights granted by the commission pursuant to section 5(C) of chapter 259 of the public laws of 1933, as amended, and whose present permits, in the opinion of the commission, need clarification, may be directed, upon reasonable notice given as herein above provided, to appear before the commission for further public hearing, at which hearing evidence of regular operation during the period from March 1, 1932 to June 30, 1933 may be submitted, and may be supplemented by evidence of regular operation from said period to January 1, 1941; said commission shall issue a new permit in accordance with facts found on the evidence presented relative to operations regularly carried on between March 1, 1932 and June 30, 1933 and regularly continued from said latter date to January 1, 1941, and said new permit shall specify the routes over which, the termini between which or the territory within which the contract carrier may operate and the scope of the business covered by the permit, but said new permit shall not limit or restrict any rights lawfully existing, as shown by the evidence of record, on January 1, 1941. A permit shall be granted as a matter of right when it appears to the satisfaction of the commission, after hearing, that the applicant has been regularly and lawfully engaged in the business of a contract carrier as herein defined within this state, from the 1st day of March 1932, and in such cases, operation may lawfully be continued pending the issuance of such permit, provided application therefor is made within 15 days from the effective date of this act.'