

# MAINE STATE LEGISLATURE

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NEW DRAFT OF S. P. 322, L. D. 524.

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

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Legislative Document

No. 1032

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S. P. 501

In Senate, March 20, 1941.

Reported by Senator Batchelder of York from Committee on Public Utilities and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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

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

**Sec. 1. P. L., 1933, c. 259, § 5, amended.** Paragraph lettered (C) of section 5 of chapter 259 of the public laws of 1933, as amended, hereby is further amended to read as follows:

‘(C) No application for a permit shall be granted by the commission until after a hearing, nor shall ~~such~~ **any** permit be granted if the commission shall be of ~~the~~ opinion that the proposed operation of any such contract carrier **will be contrary to the declaration of policy set forth in section 1 of this chapter** 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 this chapter, 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 this chapter, 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 this paragraph 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 as a contract carrier from March 1, 1932 to June 30, 1933 may be submitted, and the carrier may supplement same by evidence of regular operation subsequent to said period, and the commission shall issue a new permit, in accordance with the facts found on the original and new evidence presented. Said new permit shall specify the territory within which, and the general purposes for which the contract carrier may operate, but said new permit shall not limit or restrict any rights lawfully existing, as shown by the record on the carrier's application filed in 1933, by virtue of this paragraph, and shall not restrict the right of such carrier to substitute or add contracts which are within the scope of his permit or to add to his equipment and facilities within the scope of the permit as the development of the business and the demands of the public have or may require. 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.'

Sec. 2. P. L., 1933, c. 259, amended. The words "Common Carrier" preceding section 1 of chapter 259 of the public laws of 1933 hereby are stricken from said act.