

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1356**

S. P. 487

In Senate, March 17, 1955.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Weeks of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT Relating to Definition of "Contract Carrier."**

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

**Sec. 1. R. S., c. 48, § 20, amended.** The 1st sentence of section 20 of chapter 48 of the revised statutes is hereby amended to read as follows:

'No person, corporation, partnership, railroad, street railway or other transportation company shall operate, or cause to be operated, any motor vehicle or vehicles not running on rails or tracks upon any public way in the business of transporting freight or merchandise for hire as a common carrier over regular or irregular routes between points within this State without having obtained from the Commission a certificate declaring that public necessity and convenience require and permit such operation.'

**Sec. 2. R. S., c. 48, § 20, amended.** The 3rd sentence of section 20 of chapter 48 of the revised statutes is hereby repealed, as follows:

~~'The words "regular routes" as used in sections 19 to 32, inclusive, mean those routes over which any person, firm or corporation is usually or ordinarily operating, or causing to be operated, any motor vehicle or vehicles, even though there may be departures from said routes, whether such departure be periodic or irregular; whether or not the operation is over regular routes within the meaning of said sections shall be a question of fact to be determined by the commission, the supreme judicial court, the superior court or a municipal court.'~~

**Sec. 3. R. S., c. 48, § 20, amended.** Section 20 of chapter 48 of the revised statutes is hereby amended by adding at the end thereof the following paragraph:

'A certificate shall be granted as a matter of right to any person, firm or corporation presently authorized a permit as a contract carrier by the Commission when it appears to the satisfaction of the Commission, after a hearing, that an adequate and responsible service is being rendered by the applicant, that such service is substantially that of common carriage but over irregular routes, and that the applicant has been operating, substantially uninterrupted, such service from the 1st day of March, 1954. If 2 or more applicants who have been rendering such service apply for a similar certificate authorizing them to perform substantially the same service in the same territory under similar conditions, and if the Commission shall be of the opinion, in accordance with the provisions of this section, that certificates shall be granted to some but not all of such applicants, preference shall be given to the applicant or applicants who have been longest engaged in such service, provided such service has been rendered in accordance with the requirements of the law.'

**Sec. 4. R. S., c. 48, § 23, amended.** The 1st sentence of section 23 of chapter 48 of the revised statutes is hereby amended to read as follows:

'The term "contract carrier" as used in this chapter is intended to include all persons, firms or corporations operating or causing the operation of motor vehicles transporting freight or merchandise for hire upon the public highways, other than common carriers ~~over regular routes~~; except that the term shall not be construed to include any person, firm or corporation not regularly engaged in the transportation business but who on occasional trips transports the property of others for hire.'

**Sec. 5. R. S., c. 48, § 23, amended.** The 1st part of the 2nd paragraph of section 23 of chapter 48 of the revised statutes is hereby amended to read as follows:

'It is declared that the business of contract carriers, which term is intended to include all persons, firms or corporations operating or causing the operation of motor vehicles transporting freight or merchandise for hire upon the public highways, other than common carriers ~~over regular routes~~, is affected with the public interest and that the safety and welfare of the public upon such highways, the preservation and maintenance of such highways and the proper regulation of common carriers using such highways require the regulation of contract carriers to the extent hereinafter provided.'

**Sec. 6. R. S., c. 48, § 23, sub-§ IV, amended.** The 1st sentence of subsection IV of section 23 of chapter 48 of the revised statutes is hereby amended to read as follows:

'The Commission is vested with power and authority and shall have the duty to prescribe rules and regulations covering the operations of contract carriers in competition with common carriers over the highways of this State ~~and the~~. **Any person, firm or corporation required to obtain a permit under the provisions of this section shall be subject to all the provisions of sections 63 to 68, inclusive, of chapter 44.** The Commission may prescribe reasonable minimum rates and charges to be collected by contract carriers.'

Sec. 7. R. S., c. 48, § 23, sub-§ VI, additional. Section 23 of chapter 48 of the revised statutes is hereby amended by adding thereto a new subsection to be numbered VI, to read as follows:

**‘VI. Any person or corporation who leases or otherwise permits the use of any motor vehicle registered in his name, whether for compensation or not, to or by any person or corporation for the transportation of property upon the public highways of this State, of which property such latter person or corporation is the owner or lessee, when such transportation is for the purpose of sale, lease, rent or manufacture of such property or in furtherance of any commercial or industrial enterprise in connection with said property, shall be deemed to be a contract carrier within the meaning of this chapter and subject to all the provisions thereof.’**