

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 516

H. P. 385

House of Representatives, February 6, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Haughn of Bridgton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Cancellation of Motor Truck Authority.

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

Sec. 1. R. S., c. 48, § 25, sub-§ IV, amended. The 1st 2 sentences of sub-section IV of section 25 of chapter 48 of the Revised Statutes are hereby amended to read as follows:

'Provided application therefor is filed with the Commission prior to the expiration date of a certificate or permit issued by the Commission, renewals thereof shall be issued upon application made in accordance with the Commission's requirements and upon the payment of the fees prescribed for original applications ~~provided, however, that the~~. The Commission shall have no power to refuse to renew any existing permit or certificate or to cancel or suspend any such permit or certificate whenever issued except for willful or continued violations of the provisions of sections 19 to ~~30~~ 33, inclusive, or the regulations of the Commission, **or for failure to reasonably perform the service for which the said certificate or permit was issued**, and after a hearing, at least 10 days' notice of which shall be given to the holder of the permit or certificate and to such other parties as the Commission shall deem proper. ~~Provided further, that no~~ **No** order of the Commission **suspending, cancelling or** refusing to renew any existing permit or certificate shall be effective until 10 days after such order has been issued and a copy thereof mailed to the holder of such permit or certificate and to such other parties as were represented at the hearing.'

Sec. 2. R. S., c. 48, § 27, amended. Section 27 of chapter 48 of the Revised Statutes is hereby amended to read as follows:

'Sec. 27. Rules and regulations. The Commission shall have authority to make such rules and regulations as it deems necessary or advisable to insure

proper administration and enforcement of the provisions of sections 19 to ~~32~~ 33, inclusive, and to promote the safety of the operation of common carriers, contract carriers and interstate carriers over the highways. The Commission shall have the power and authority to suspend, **cancel or refuse to renew** any certificate or permit, issued under the provisions of sections 19 to ~~32~~ 33, inclusive, for any willful and continued violations of said sections or of any rules or regulations promulgated by the Commission pursuant to the authority thereof, **or for failure to reasonably perform the service for which the certificate or permit was issued; ~~the~~**. The Commission ~~also~~ shall have authority to issue an order to any holder of a certificate or permit, requiring such holder to cease and desist from any violation of the provisions of sections 19 to ~~32~~ 33, inclusive, or of any rules or regulations of the Commission promulgated pursuant to the authority thereof; ~~also the~~. **The Commission shall have authority in event it shall suspend or cancel a certificate or permit, or in event the holder of a certificate or of a permit shall fail to obey a cease and desist order issued by the Commission, to require the return to the Commission of any plates issued by it to such holder. Whether the holder of a certificate or permit is reasonably performing the service for which the said certificate or permit was issued shall be a question of fact to be determined by the Commission.** It shall be the duty of the State Police, sheriffs and their deputies and all other peace officers to investigate any alleged violations of the provisions of sections 19 to ~~32~~ 33, inclusive, and of any rules and regulations promulgated by the Commission pursuant to the authority thereof, to prosecute violators of said sections and of such rules and regulations and otherwise to aid in the enforcement of the provisions thereof.'