

MAINE STATE LEGISLATURE

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

Legislative Document

No. 517

H. P. 386

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. Rollins of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT to Correct Errors in Laws Relating to Operation of Motor Vehicles for Profit.

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

Sec. 1. R. S., c. 48, § 23, sub-§ III, amended. The 1st and 3rd sentences of subsection III of section 23 of chapter 48 of the Revised Statutes are hereby amended to read as follows:

'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 of sections 19 to ~~32~~ 33, inclusive, 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.' '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 sections 19 to ~~32~~ 33, inclusive, and to the rules and regulations of the Commission issued thereunder.'

Sec. 2. R. S., c. 48, § 25, sub-§ II, amended. The 1st sentence of the 1st paragraph of subsection II of section 25 of chapter 48 of the Revised Statutes is hereby amended to read as follows:

'Each application for a certificate or permit shall be accompanied by a fee of \$25, and each application for amendment of a certificate or permit, for the trans-

fer of a certificate or permit or for the reopening or rehearing of an application shall be accompanied by a fee of \$10, which is not for revenue purposes, but shall be used by the Commission for the purpose of defraying the expenses of administering the provisions of sections 19 to ~~32~~ 33, inclusive, and any portion of such fees not used or required for this purpose shall be added to the general highway fund of the State.'

Sec. 3. R. S., c. 48, § 25, sub-§ II, amended. The 1st sentence of the 2nd paragraph of subsection II of section 25 of chapter 48 of the Revised Statutes is hereby amended to read as follows:

'The Commission is authorized and empowered to employ such assistance, subject to the provisions of the Personnel Law, and to procure such office supplies and equipment as said Commission may determine to be necessary in the administration and enforcement of the provisions of sections 19 to ~~32~~ 33, inclusive.'

Sec. 4. R. S., c. 48, § 31, amended. Section 31 of chapter 48 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 31. Exceptions.** No provisions in sections 20, 23 and 24 shall authorize the use by any motor vehicle of any highway or street in any municipality in violation of any charter provision or ordinance thereof, nor shall the provisions of sections 19 to ~~32~~ 33, inclusive, be construed as taking from or in any manner curtailing the right of any city, town or village to regulate and control the routing, parking, speed or safety of operation of motor vehicles operated under the provisions of said sections, or as curtailing the general police power of any such city, town or village over its highways or streets, nor shall the provisions of sections 19 to ~~32~~ 33, inclusive, be construed as abrogating any provisions of law whereby any such municipality has the right to require certain conditions to be complied with before such motor vehicle shall be operated on the highways or streets of such city, town or village.'

Sec. 5. R. S., c. 48, § 32, sub-§ I, amended. The 1st paragraph of subsection I of section 32 of chapter 48 of the Revised Statutes is hereby amended to read as follows:

'Any person, firm or corporation, or any officer, agent or employee of any corporation who violates, orders, authorizes or knowingly permits a violation of any of the provisions of sections 19 to 31, inclusive, or of section 33, or of any rule, regulation or order made or issued by the Commission pursuant to the authority of sections 19 to ~~32~~ 33, inclusive, shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment for not more than 11 months, or by both ~~such fine and imprisonment.~~

Sec. 6. R. S., c. 48, § 32, sub-§ II, amended. Subsection II of section 32 of chapter 48 of the Revised Statutes is hereby amended to read as follows:

'**II.** The certificate of the clerk of the ~~public utilities~~ Commission, under the seal of said Commission, shall be received in any court of law in this State as prima facie evidence of the making or issuing by said Commission of any order, rule or regulation authorized by the provisions of sections 19 to ~~32~~ 33, inclusive, to be made or issued by said Commission. The certificate of the Secretary of State or his Deputy, under seal of the State, shall be received

in any court of law in this State or in any hearing or other proceeding before the Commission as prima facie evidence of the issuance, suspension, revocation or restoration of any operator's license or the issuance, suspension, annulment or restoration of any certificate of registration of any motor vehicle under the provisions of sections 19 to ~~32~~ 33, inclusive.'

Sec. 7. R. S., c. 48, § 32, sub-§ V, amended. The 2nd and 5th sentences of subsection V of section 32 of chapter 48 of the Revised Statutes are hereby amended to read as follows:

'Refusal to surrender said license on demand to the court or to any officer delegated by the court or by the Secretary of State to receive the same shall be a der the provisions of sections 19 to ~~32~~ 33, inclusive.'

'The trial court shall forthwith report to the Commission all prosecutions under the provisions of sections 19 to ~~32~~ 33, inclusive, or under the rules, regulations and orders of the Commission, on blanks to be furnished by the Commission.'

Sec. 8. R. S., c. 48, § 32, sub-§ VI, amended. Subsection VI of section 32 of chapter 48 of the Revised Statutes is hereby amended to read as follows:

'VI. In case any person convicted of any violation of the provisions of sections 19 to ~~32~~ 33, inclusive, or of any rule, regulation or order of the Commission made or issued pursuant thereto, shall appeal, the operator's license of such person may be suspended by the Secretary of State while said appeal is pending, if requested by the Commission.'

Sec. 9. R. S., c. 48, § 32, sub-§ VII, amended. Subsection VII of section 32 of chapter 48 of the Revised Statutes is hereby amended to read as follows:

'VII. In case of any willful and continued violation by any holder of a certificate or a permit, or by any person, firm or corporation required by the provisions of sections 19 to ~~32~~ 33, inclusive, to have such a certificate or permit, of any provision of said sections or of any rule, regulation or order of the Commission made or issued pursuant thereto, in addition to any penalty imposed by the Commission or by any court of law, the Secretary of State, at the request of the Commission, may suspend the certificate of registration of any motor vehicle or vehicles owned or operated by said violator, and after notice to said violator as provided in section 9 of chapter 22 and to the Commission, and after hearing thereon, may suspend such registration for a definite time or may annul or restore the same. Any person aggrieved by the decision of the Secretary of State in suspending or annulling any such certificate of registration may appeal to any Justice of the Superior Court in the manner provided by section 7 of chapter 22, but pending said appeal the decision of the Secretary of State shall remain in full force.'

Sec. 10. R. S., c. 48, § 32, sub-§ VIII, amended. The 1st sentence of subsection VIII of section 32 of chapter 48 of the Revised Statutes is hereby amended to read as follows:

'All fines and forfeitures collected under the provisions of sections 19 to ~~32~~ 33, inclusive, when the arrest is made by a member of the State Police or any

inspector or officer employed by the Commission, together with all costs taxed by the court for any such officer, shall be paid to the Commission to be used in defraying the expense of administering and enforcing the provisions of said sections.