

MAINE STATE LEGISLATURE

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

Legislative Document

No. 269

S. P. 119

In Senate, January 29, 1959

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Martin of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

**AN ACT Authorizing Public Utilities Commission to Determine Financial
Responsibility of Motor Carriers of Passengers.**

Emergency preamble. Whereas, compliance with sections 10 to 12 of chapter 48 of the Revised Statutes imposes hardship upon motor carriers of passengers for hire, particularly because of non-cancellability features of insurance policies and indemnity bonds required under such sections; and

Whereas, continued operation by such carriers is essential to the welfare of the State and the various communities served by such carriers; and

Whereas, adoption of the following legislation is necessary to ensure the continuance of services provided by such carriers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore,

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

R. S., c. 48, §§ 10-12, repealed and replaced. Sections 10 to 12 of chapter 48 of the Revised Statutes are repealed and the following enacted in place thereof:

'Sec. 10. Financial responsibility for liability for personal injury or property damage. The Secretary of State shall not register any motor vehicle or trailer subject to the supervision and control of the Public Utilities Commission under sections 1 to 18, and the commission shall not issue a certificate permitting the operation of such motor vehicle or trailer, and no person or persons shall operate

or cause to be operated upon any public highway any such motor vehicle or trailer unless, in the opinion of the commission, the owner or owners thereof are financially responsible through insurance, indemnity bond or otherwise to respond to any legal liability for personal injury, the death of any person or property damage which may result from or have been caused by the use or operation of such motor vehicle or trailer.

When, in the opinion of the commission, the carrier's insurance, indemnity bond or other proof of financial responsibility is inadequate to meet its legal liabilities under this section, the commission shall forthwith require that the registration plates issued to said carrier by the Secretary of State be returned thereto.

Sec. 11. Extent of financial responsibility. The extent to which such financial responsibility shall be required shall be determined by the commission and shall be subject to change from time to time.

Sec. 12. Filing of proof. The commission may require such proof of insurance or indemnity bond or such form of insurance or indemnity bond or such appointment of agent for service of process or the deposit or segregation of such securities or such proof of other type of financial responsibility as it shall deem appropriate to the establishment and continuance of such financial responsibility. No insurance or indemnity bond given to satisfy the requirements of sections 10 to 12 shall lapse, expire or be cancelled until at least 30 days' written notice shall have been given to the commission and the Secretary of State of an intention to cancel by the insurer or bond guarantor. Carriers may take exceptions to the commission's action under sections 10 to 12 as prescribed in applicable provisions of chapter 44.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.