

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh  
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Eighty-Seventh Legislature

**1935**

[supplied from page 201 of volume]

## CHAP. 146

'Sec. 62. Towns may be combined into unions for supervision; exceptions; appeal. It shall be the duty of the commissioner of education and the committee of 3 hereinafter named, on or before the 1st day of July, ~~1937~~ 1938, to regroup all the towns in the state, except as herein provided, into unions for the purpose of employing superintendents of schools. Such supervisory unions as shall have been formed on June 30, 1933 may be dissolved by the commissioner of education for the purpose of a more advantageous combination. During the first 3 years of the operation of this section, regroupings shall be made only when vacancies occur, by death, resignation or failure of re-election. Whenever such regroupings are made, the commissioner of education shall have authority to re-allocate any town or towns in the unions affected to unions already organized. All existing contracts shall remain binding but no contract shall be renewed or made terminating later than June 30, ~~1937~~ 1938. A committee of 3, who shall act with the commissioner in the matter of regrouping shall be appointed by the governor and council. Said committee shall serve until July 1, ~~1937~~ 1938. The necessary travel expense of said committee shall be paid by the state and there is hereby appropriated for this purpose a sum not exceeding \$300. Provided, however, that any superintending school committee of a town dissatisfied with the combination proposed by the commissioner of education and the committee to include that town may appeal to the governor and council who shall make the final decision relative thereto. The unions formed under the provisions of this section shall be effective July 1, ~~1937~~ 1938. Whenever, upon the representation of the superintending school committee of any town, it shall appear to the commissioner of education to be to the advantage of said town and of the state to change the combination of towns composing the union of which said town is a part, the commissioner of education shall have authority to direct the dissolution and organization of unions so that a more advantageous combination may be effected. Provided, however, that any superintending school committee of a town dissatisfied with the change in the combination proposed by the commissioner of education to include that town may appeal to the governor and council, who shall make the final decision relative thereto.'

Approved April 5, 1935.

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## Chapter 146.

AN ACT Relative to Regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire.

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

P. L., 1933, c. 259, amended. Sections 2, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of

chapter 259 of the public laws of 1933 hereby are amended to read as follows; and section 10-A is hereby renumbered sub-section (B) of section 10 of said chapter and amended to read as follows:

**Sec. 2. Certificate from commission required before operation.** 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 routes between points within this state without having obtained from the public utilities commission (in this and the following sections hereinafter called the "commission") a certificate declaring that public necessity and convenience require and permit such operation. The words "regular routes" as used in this act 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 any motor vehicle is being operated; whether or not the operation is over regular routes within the meaning of this chapter shall be a question of fact to be determined by the commission, the supreme judicial court, the superior court or a municipal court.~~ Immediately after the effective date of this act, the commission shall have authority and jurisdiction to determine applications for such certificates. Every application for a certificate shall be made in such form and contain such matters as the commission may prescribe. Upon the filing of any such application and the payment of the fee hereinafter prescribed, the commission shall within a reasonable time fix the time and place for a hearing thereof. ~~A written notice~~ Notice of such hearing, in such manner as the commission may deem necessary, and of the right to file a protest in accordance with the commission's requirements, shall be ~~mailed~~ given by the commission at least ~~to~~ 7 days before the hearing of such application, to the applicant, to ~~all~~ such common carriers (including steam and electric railway and water carriers companies) serving any part of the route to be served by the applicant, as the commission shall deem necessary, to the chairman of the state highway commission and to any other person, firm or corporation who may, in the opinion of the commission, be interested in or affected by the issuance of such certificate. Any person, firm or corporation having an interest in the subject matter shall have the right, in accordance with the rules and regulations prescribed therefor by the commission, to file a protest to the granting in whole or in part of the certificate applied for and to make representations and to introduce evidence in support of such protest. After such hearing the commission shall have the power to issue to the applicant a certificate in a form to be prescribed by the commission, declaring that public convenience and necessity require

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the operation for which application is made, or refuse to issue the same, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by such certificate such terms and conditions as in its judgment public convenience and ~~interest~~ **necessity** may require; provided, however, if no protest to the granting of the certificate be filed with the commission prior to ~~or at the date time~~ fixed for the hearing and if the commission is satisfied that the privilege sought by the applicant is convenient ~~or~~ and necessary in the public interest, the certificate may be granted without a public hearing. In determining whether or not such a certificate shall be granted, the commission shall take into consideration the existing transportation facilities and the effect upon them, the public need for the service the applicant proposes to render, the ability of the applicant efficiently to perform the service for which authority is requested, conditions of and effect upon the highways involved, and the safety of the public using such highways. No such certificate shall be issued unless and until the applicant has established to the satisfaction of the commission that there exists a public necessity for such additional service and that public convenience will be promoted thereby. A certificate shall be granted as a matter of right when it appears to the satisfaction of the commission, after a hearing, that an adequate and responsible service is being rendered by the applicant over the route or routes covered by the application, and that the applicant has been operating substantially uninterrupted service over said route or routes from the 1st day of March, 1932, and in cases where such service has been rendered the operation may lawfully be continued pending the issue of such certificate, provided application therefor is made within 15 days from the effective date of this act. Except as above provided, if 2 or more ~~operators~~ **applicants** who have been engaged in the transportation of property as common carriers before this act becomes effective 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 opinion, in accordance with the provisions of this section, that certificates should be granted to some but not all of such applicants, preference shall be given to the ~~operator applicant~~ **operator applicant** or ~~operators applicants~~ **operators 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. Schedules of rates to be filed. ~~The owner and/or operator of every motor vehicle subject to the 2 preceding sections~~ Every holder of a certificate of public convenience and necessity shall file with the commission a schedule or schedules showing ~~the~~ its rates or charges for service rendered or furnished or to be rendered or furnished within the state, including rates or charges established jointly with other such holders to the extent authorized by the commission over routes not served by a single

common carrier. Such rates shall be just and reasonable. Such schedule or schedules shall be subject to the approval of the commission. No such ~~owner or operator~~ holder of a certificate, nor any officer, agent or employe of such holder, shall charge, demand, exact, receive or collect, directly or indirectly, for any service rendered an amount greater or less than the rate specified in such schedule or schedules, nor shall any such ~~carrier~~ holder of a certificate, nor any officer, agent or employe of such holder, refund or remit, directly or indirectly, in any manner or by any device, any portion of the rate so specified, nor make or give any unreasonable preference or advantage to any person, nor subject any person to any unreasonable prejudice or discrimination. The commission may, on its own motion or on complaint by an interested party, after notice and hearing, allow or disallow, alter or prescribe such rates. It shall be unlawful for any person, firm or corporation, or any officer, agent or employe thereof, knowingly to solicit, accept, or receive any rebate, discount or discrimination in respect of any service rendered by the holder of any such certificate whereby any such service shall in any manner, or by any device, whatsoever, be rendered free or at a rate less than named in the schedules in force as provided therein, except that free or reduced rate transportation of property may be given by a holder of any such certificate for the same purposes and to the same extent as is authorized by section 38 of chapter 62 of the revised statutes.'

'Sec. 5. "Contract carrier" defined. The term "contract carrier" as hereinafter used is intended to include all ~~operators~~ 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 ~~who does not engage~~ regularly engaged in the transportation business but who on occasional trips transports the property of others for hire. Whether or not any person, firm or corporation is engaging regularly in the transportation business within the meaning of this paragraph shall be a question of fact, to be determined by the commission, the supreme judicial court, the superior court or a municipal court, but the making of more than 2 trips for hire during any 30-day period shall be deemed as regularly engaging in the transportation business.

It is hereby declared that the business of contract carriers, which term is intended to include all ~~operators~~ 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

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using such highways require the regulation of contract carriers to the extent hereinafter provided.

(A) No contract carrier shall operate, or cause to be operated, any motor vehicle or vehicles for the transportation of property for hire on any public highway within this state without having obtained a permit from the commission.

(B) Applications for permits shall be made in manner and form prescribed by the commission in regulations which it shall make.

(C) No application for permit shall be granted by the commission until after a hearing, nor shall any such permit be granted if the commission shall be of the opinion that the proposed operation of any such contract carrier 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 ~~written~~ notice of such hearing, in such manner and to such persons, firms and corporations as it deems necessary, ~~to all persons or corporations interested in or affected by the issuance of such permit~~ at least ~~to~~ 7 days prior to the time fixed for such hearing. 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.

(D) The commission is hereby vested with power and authority and it is hereby made its duty to prescribe rules and regulations covering the operation of contract carriers in competition with common carriers over the highways of this state, and the commission shall prescribe minimum rates and charges to be collected by contract carriers which shall not be less than the rates charged by such common carriers for substantially the same or similar service. Nothing in this paragraph shall apply to the transportation of property by ~~motor vehicle~~ contract carriers for any common carrier ~~over the highway~~ when the rate charged the public for transportation of such property is already published and filed with the commission.

'Sec. 6. Interstate carriers; permit to operate. In order that there may be proper supervision and control of the use of the highways of this state, every person, firm or corporation ~~common carrier and every contract carrier~~ regularly engaged in transporting freight or merchandise for hire by motor vehicle upon the public highways between points within and



points without the state, (and all persons making 2 or more such trips in any 30-day period shall be deemed to be so regularly engaged) is hereby required to obtain a permit for such operation from the commission. Whether or not any person is so regularly engaged shall be a question of fact to be determined by the commission, the supreme judicial court, the superior court or a municipal court. Application for such permits shall be made in the manner and form to be prescribed by the commission in its regulations, and such permits shall issue as a matter of right upon compliance with such regulations and payment of fees, unless the commission shall find that the condition of the highways to be used is such that the operation proposed would be unsafe, or the safety of other users thereof would be endangered thereby.'

'Sec. 7. (A) Operations by or in connection with rail or water common carriers. Applications may be filed with the commission by railroads, electric railways, railway express or water common carriers asking its approval of operation by motor vehicles over the highways by, or in connection with the service of, such carriers where highway transportation has been substituted by or for such carrier, prior to January 1, 1935, for transportation service previously performed by such carrier, or is to be substituted for transportation now performed by or for any such carrier. Hearings shall be ordered by the commission on every such application and notice thereof shall be given in such manner and to such persons, firms and corporations as the commission deems necessary at least seven days prior to the date fixed therefor. If, after such hearing, the commission shall find that the operation is a service which regularly has been performed by or for such carrier prior to and since January 1, 1935, it shall grant a certificate of public convenience and necessity as a matter of right, and in cases where such service regularly has been performed by or for any such carrier prior to January 1, 1935, the service lawfully may be continued pending the issuance of such a certificate, provided application for such a certificate is filed with the commission within 15 days after the effective date of this act; but if such service has not been regularly performed prior to and since January 1, 1935 such a certificate shall be issued only if the commission shall find that the public convenience and necessity require and permit such operation. Any applicant common carrier shall be permitted, in cases where any such order of approval is issued, to perform said highway transportation service itself or to contract therefor with such persons, firms or corporation as it may select, if the commission shall find that such arrangement will be consistent with the public interest. Rates to be charged the public for the transportation of property in such service between points in the state shall be filed with the commission and shall be subject to its jurisdiction and regulation in the same manner as is provided in chapter 62 of the revised statutes and/or chapter 259 of the public

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laws of 1933, as the same may apply, but such jurisdiction and regulation shall not apply to the compensation to be charged by one carrier to another for performing service authorized in this section.

(B) Permits and plates, fees for; employment of assistance; operation of vehicles, regulated. Each application for a certificate or permit shall be accompanied by a fee of \$15, and each application for amendment of a certificate or permit, for the transfer of a certificate or permit, or for the reopening or rehearing of an application, shall be accompanied by a fee of \$5, which is not for revenue purposes, but is to be used by the commission for the purpose of defraying the expenses of administering this act, and any portion of such fees not used or required for this purpose shall be added to the general highway funds of the state. Distinguishing plates, which shall remain the property of the state, shall be prescribed and furnished by the commission for, and shall be displayed, under rules to be prescribed by the commission, at all times on, each motor vehicle, trailer and semi-trailer operated, or caused to be operated, under the provisions of the foregoing sections; the commission may refuse to furnish plates for any motor vehicle not registered in the name of the holder of a certificate or a permit. The charge for each set of plates shall be \$2 and \$1 for each transfer of plates.

The public utilities commission is hereby authorized and empowered to employ such assistance 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 this act. The salary and traveling expenses of employes and all office expense connected with the administration and enforcement of this act shall be paid out of the revenues received under the provisions of sections 7 and 12, which shall be set up as a separate fund in the office of the treasurer of state, to be disbursed under the direct supervision and control of the public utilities commission.

It shall be unlawful for any person to act as driver or helper on any motor vehicle, for the operation of which a certificate or a permit is required by the provisions of this act, unless such motor vehicle displays distinguishing plates as required by this section and by rules issued by the commission. No person, firm or corporation operating, or causing to be operated, a motor vehicle for the operation of which a certificate or permit is required by the provisions of this act shall employ as driver thereof a person not holding a chauffeur's license to operate such vehicle.

(C) Transfers. Any certificate or permit issued under the provisions of this act except as otherwise provided in section 3 2 hereof may be assigned and transferred, with the approval and consent of the commission but not otherwise, by the holder or by the personal representatives of said holder, to whom the rights and privileges under said certificate or permit shall pass at the death of said holder. The commission is authorized to

prescribe the conditions precedent to such transfer and make any necessary rules and regulations pertaining thereto. Provided, however, that no assignment or transfer of any such certificate granted as a matter of right under this section shall be made which would result in an exclusive right to any railroad company or its subsidiaries to operate motor vehicles for the transportation of freight or merchandise for hire over such route. No certificate or permit granted under this act shall be effective after the 1st day of ~~January~~ March of the year following the year of its issue; all certificates and permits issued during the year 1935 shall remain in effect until March 1, 1936 unless cancelled or suspended by the commission pursuant to authority contained in this act.

(D) Renewals. Provided application therefor is filed with the commission prior to the expiration date of a certificate or permit issued by the commission, ~~Renewals~~ renewal 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 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 wilful or continued violations of the provisions of this act or the regulations of the commission 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. And provided further that no order of the commission refusing to renew any existing permit or certificate shall be effective until 10 days after ~~the same~~ 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. Within said period of 10 days any party deeming himself aggrieved by the order of the commission may appeal therefrom to the term of the superior court next to be held in the county wherein the holder of such permit or certificate resides, and cause notice of such appeal to be served on the commission. Such court, after hearing, shall affirm or reverse the order of the commission. If such appeal be seasonably taken the order of the commission shall be stayed and the applicant permitted to continue operation, upon payment of the required fees, until final determination of such appeal. If appeal be taken under this section, no exceptions shall be taken under section 63 of chapter 62 of the revised statutes.'

'Sec. 8 (A) Length of duty of driver limited. It shall be unlawful for any driver to operate, or for the ~~owner thereof~~ holder of any certificate or permit to require or permit any driver to operate, any motor vehicle for the transportation of freight for hire on the highways of this state, when the driver has been continuously on duty in any capacity for more

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than 12 hours, and after a driver has been continuously on duty in any capacity for 12 hours it shall be unlawful for him to operate, or for the ~~owner of the vehicle~~ holder of a certificate or permit to permit him to operate, any such motor vehicle on the highways of this state until he shall have had at least 8 consecutive hours off duty.

It shall be unlawful for any driver to operate, or for the ~~owner thereof~~ holder of a certificate or permit to require or permit any driver to operate, any motor vehicle for the transportation of freight for hire on the highways of this state when the driver has been on duty in any capacity more than 16 hours in the aggregate in any 24-hour period, and when a driver has been on duty in any capacity 16 hours in any 24-hour period, it shall be unlawful for him to operate, or for the ~~owner thereof~~ holder of a certificate or permit to require or permit him to operate, a motor vehicle on the highways of this state until he shall have had at least 10 consecutive hours off duty. Periods of release from duty herein required shall be given at such places and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. No period off duty shall be deemed to break the continuity of service unless it be for at least 3 consecutive hours at a place where there is opportunity for a rest. In case of an ~~unforeseen~~ unforeseen emergency the driver or chauffeur may complete his run or tour of duty if such run or tour of duty, but for the delay caused by such emergency, would reasonably have been completed without a violation of this section.

(B) 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 this section, act 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 any certificate or permit, issued under the provisions of this act, for any violations of this act or of any rules or regulations promulgated by the commission pursuant to the authority hereof; 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 this act or of any rules or regulations of the commission promulgated pursuant to the authority hereof; also the commission shall have authority in event it shall suspend 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. It shall be the duty of the state highway police, sheriffs and their deputies, and all other peace officers, to investigate any alleged violations of this act and of any rules and regulations promulgated by the commission pursuant to the authority hereof, to prosecute violators of this act and of

such rules and regulations, and otherwise to aid in the enforcement of the provisions hereof.'

'Sec. 9. Indemnity bonds. The secretary of state shall not register any motor vehicle subject to the provisions of sections 2, ~~and~~ 5, and 6 and the commission shall not issue ~~certificates~~ a certificate or ~~permits~~ a permit covering the operation of any such motor vehicle, or vehicles, and no person, firm or corporation shall operate or cause to be operated upon any public way any such motor vehicle or vehicles until the ~~owner or owners thereof~~ applicant for such certificate or permit shall have procured a good and sufficient insurance policy or indemnity bond, in such amount as the commission shall prescribe, having as surety thereon a surety company authorized to transact business in this state, or 2 responsible individuals, ( which bond shall be approved by the commission ) ; ~~and which~~ such insurance policy or bond shall adequately provide ~~for the reasonable protection of the patrons of the motor vehicle for hire~~ for cargo insurance and for protection of the public in the collection of damages for which the holder of a certificate or permit ~~owner or operator~~ may be liable by reason of the operation of any such motor vehicle, or vehicles, provided, however, that the bond or insurance policy required of the ~~contract carrier~~ applicants for permits need not provide for cargo insurance. ~~the protection of its patrons.'~~

'Sec. 10. (A) Exemptions. There shall be exempted from the provisions of the foregoing sections 2 to 9, inclusive, the operation over the highways of ~~(+)~~ motor vehicles (1) ~~operating exclusively~~ while being used within the limits of a single city or ~~incorporated~~ town in which the vehicle is registered by the secretary of state or in which the owner maintains a regular and established place of business, or within 15 miles, ~~of the limits thereof~~; by highway in this state, of the point in such single city or town where the property is received or delivered, but no person, firm or corporation may operate, or cause to be operated, any motor vehicle for the transportation of property for hire beyond such limits without a certificate of public convenience and necessity or a permit to operate as a contract carrier; nor may any such person, firm or corporation participate in the transportation of property originating or terminating beyond said limits without holding such a certificate or permit unless such property is delivered to or received from a carrier over the highways operating under a certificate or permit issued by the commission or a steam or electric railway, railway express or water common carrier; (2) ~~motor vehicles~~ while engaged, directly or through a contractor, exclusively in construction work for any branch of the government of the United States or for any department of the state, or for any county, city, town or village; (3) ~~motor vehicles~~ while engaged exclusively in the delivery of the United States

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mail ; while engaged exclusively in the transportation of fresh fruits and vegetables from farms to canneries during the canning or packing season. Nothing in this act contained shall apply to ~~owners or operators of~~ persons, firms or corporations operating motor vehicles carrying ~~their own~~ property. of which they are the actual and bona fide owners.

(B) Rate exemptions. ~~Carrier trucks when carrying property~~ There shall be exempted from the foregoing provisions as to rate regulation the transportation by motor vehicle of property (1) when moving in interstate commerce, (2) when moving to warehouses, railroads or boats for re-shipment by rail or vessel, and (3) ~~when consisting of~~ ~~when carrying~~ logs, wood or lumber moving to mills for manufacture . ~~shall not be subject to rate regulation for such service.~~

(C) The provisions of this act shall not apply to the transportation of newspapers.'

'Sec. 11. Further exceptions. No provisions in sections 2, ~~or~~ 5, or 6 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 this act 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 this act, or as curtailing the general police power of any such city, town or village over its highways or streets, nor shall this act 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. 12. Penalties and evidence. (A) Any person, firm or corporation violating, or any officer, agent or employe of any corporation who orders, authorizes or knowingly permits a violation of, any of the provisions of the preceding sections, or of any rule, regulation or order made or issued by the commission pursuant to the authority of this act, 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 fine and imprisonment.

(B) 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 this act 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 this act.

(C) Any person employed as driver of any motor vehicle by any holder of a certificate or permit, and any person who rides on any motor vehicle as employe of any such holder of a certificate or permit, shall be liable to the penalties provided in this section, in case said motor vehicle is operated in violation of this act or of any rule, regulation or order issued by the commission pursuant thereto.

(D) Any driver of any motor vehicle which is being unlawfully used by any person, firm or corporation in carrying on the business of a common carrier or of a contract carrier or of an interstate carrier without a certificate or permit shall be liable to the penalties provided in this section.

(E) In addition to any other penalty imposed for a violation of subsections (C) and (D) of this section, the court hearing the case may suspend the operator's license of any such driver or other employe for a term not exceeding thirty days, and in such case shall at once take up said license (which license shall be surrendered forthwith by the holder thereof) and forward the same to the secretary of state, together with a report of said case and any recommendations as to further suspension, revocation or restoration of such license deemed necessary by the court. 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 violation of this act. Blanks for said report and recommendations shall be furnished to the courts by the secretary of state. The secretary of state may, after hearing, suspend said license for a further time, revoke the same, or may restore the same at the expiration of the time for which the same was suspended by the court. The trial court shall forthwith report to the commission all prosecutions under this act or under the rules, regulations and orders of the commission, on blanks to be furnished by the commission. The secretary of state shall notify any person whose license has been suspended as provided herein, and also the commission, of the time and place of hearing and the commission shall be heard if it so desires; notice in the manner and form prescribed in section 44 of chapter 29 of the revised statutes as amended, shall be sufficient. The secretary of state shall immediately notify the commission of his decision in any such case. Any person aggrieved by any decision of the secretary of state in suspending or revoking any operator's license may appeal to any justice of the superior court in the same manner provided by section 46 of chapter 29 of the revised statutes, as amended, but pending such appeal, the decision of the secretary of state shall remain in full force.

(F) In case any person convicted of any violation of this act or of any rule, regulation or order of the commission made or issued pursuant there-

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to, 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.

(G) In case of violation by any holder of a certificate or a permit, or by any person, firm or corporation required by this act to have such a certificate or permit, of any provision of this act 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 44 of chapter 29 of the revised statutes, as amended, 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 44 of chapter 29 of the revised statutes, as amended, but pending said appeal the decision of the secretary of state shall remain in full force.

(H) All fines and forfeitures collected under this act, when the arrest is made by a member of the state highway police, an inspector or any 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 this act. When the arrest is made by any other officer, all fines and forfeitures shall be paid into the treasury of the county where the offense is prosecuted. In any case all fees taxed for any judge or recorder of any municipal court or for any trial justice shall be disposed of as the law establishing the trial court directs, and all costs taxed for any officer other than a member of the state highway police, an inspector or any officer employed by the commission shall be disposed of as the law provides in other criminal cases.'

Approved April 5, 1935.

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## Chapter 147.

### AN ACT Related to the Payment of Wages.

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

R. S., c. 54, § 39, amended. Section 39 of chapter 54 of the revised statutes is hereby amended to read as follows:

'Sec. 39. Weekly payment of wages; state, county, city, and town employees; exception; penalty. Every corporation, person, or partnership,