

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
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PROPERTY OF THE
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninetieth Legislature

1941

CHAP. 212

with this chapter, as amended; such terms and conditions may permit such contract carrier to substitute or add contracts which are within the scope of his permit, and such contract carrier shall have the right to add to his equipment and facilities within the scope of the permit as the development of his authorized business may require. Contract carriers now operating by virtue of so-called grandfather rights granted by the commission pursuant to this paragraph as originally enacted, and whose present permits, in the opinion of the commission, need clarification, may be directed, upon reasonable notice given as herein above provided, to appear before the commission for further public hearing, at which hearing evidence of regular operation as a contract carrier from March 1, 1932 to June 30, 1933 may be submitted, and the carrier may supplement same by evidence of regular operation subsequent to said period, and the commission shall issue a new permit, in accordance with the facts found on the original and new evidence presented. Said new permit shall specify the territory within which, and the general purposes for which the contract carrier may operate, but said new permit shall not limit or restrict any rights lawfully existing, as shown by the record on the carrier's application filed in 1933, by virtue of this paragraph as originally enacted, and shall not restrict the right of such carrier to substitute or add contracts which are within the scope of his permit or to add to his equipment and facilities within the scope of the permit as the development of the business and the demands of the public have or may require. 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.'

Approved April 12, 1941

Chapter 212

AN ACT Relating to Common Carriers.

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

Sec. 1. P. L., 1935, c. 146, § 10, amended. Paragraph (A) of section 10 of chapter 146 of the public laws of 1935, as amended, is hereby further amended to read as follows:

'(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) while being used within the limits of a single city or 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, 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, but nothing in this section shall prevent a carrier from delivering and picking up with his exempt motor vehicle in a city or town where he has a terminal, freight and merchandise transported or to be transported over territory covered by his certificate or permit; (2) 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) while engaged exclusively in the transportation of the United States mail; (4) while engaged exclusively in the transportation of fresh fruits and fresh vegetables from farms to canneries or quick freezing plants, place of storage or place of shipment, or the products of vining and cutting plants to canneries or quick freezing plants, during the harvesting season; (5) while engaged exclusively in the hauling of wood, pulpwood, logs or sawed lumber from the wood lot or forest area where cut or sawed to points within 40 miles thereof, or while hauling, within said distance, horses, crew, equipment and supplies to or from such wood lot or forest area; and (6) while engaged exclusively in the transportation of livestock for exhibition purposes, excluding race horses, to and from agricultural fairs and exhibits; and (7) while engaged exclusively in the hauling of milk and cream to receiving stations from points within a distance of 25 miles from them. Nothing in this act contained shall apply to persons, firms or corporations operating motor vehicles carrying property of which they are the actual and bona fide owners.'

Sec. 2. P. L., 1935, c. 146, § 8. Paragraph (B) of section 8 of chapter 146 of the public laws of 1935, as amended, is hereby further amended to read as follows:

'(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 act

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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 wilful and continued 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 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. 3. P. L., 1935, c. 146, § 12. Paragraph (G) of section 12 of chapter 146 of the public laws of 1935, is hereby amended to read as follows:

'(G) In case of any wilful and continued 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.'

Approved April 12, 1941