

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1955 SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 2

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**Place in Pocket of Corresponding  
Volume of Main Set**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1955

designate by general orders, which may be issued without formal notice or hearing, the grade crossings in this state at which, from all points on the highway or other way within 300 feet of such crossings and on either side thereof measured along said highway or way, a traveler on the way carrying such crossing can have a fair view of an approaching train, engine or car continuously from the time such train, engine or car is 300 feet from such crossing until it has passed over the same, either under existing conditions or by bushes, trees, fences, signboards or encroachments being trimmed, cut down or removed, as hereinafter provided. (R. S. c. 42, § 89. 1955, c. 36, § 1.)

**Effect of amendment.**—The 1955 amendment substituted “300” for “150” in line four.

**Sec. 91. Obstructions removed; notice to interested parties.**—At every crossing of a highway or other way and a steam railroad at grade and at every crossing of a highway or other way and an electric railroad at grade, the municipal officers of the town or county commissioners in the case of unorganized places in which the crossing is located are given authority and are required, when by order directed to do so by the public utilities commission, after 10 days’ notice to all persons interested, to remove embankments and other obstructions within highway limits and to enter upon private property and properly trim, cut down or remove, and from time to time as may be necessary to keep trimmed, cut down and removed, bushes, trees, fences, signboards and encroachments which obstruct the view of an engine, train or car by a traveler at or near any such crossing. The authority of the commission in any order and of the municipal officers or county commissioners acting thereunder shall not extend beyond a point 300 feet on either side of any such crossing measured along the highway or other way or beyond a point 300 feet on either side of any such crossing measured along the railroad right-of-way, the purpose herein being to enable a traveler on any such way, when such traveler is 300 feet or less distant from any such crossing, to have a fair view of an approaching train, engine or car from one or more angles continuously from the time such train, engine or car is 300 feet from such crossing until it has passed over the same. (R. S. c. 42, § 90. 1955, c. 36, § 2.)

**Effect of amendment.**—The 1955 amendment substituted “300” for “150” in two places in the second sentence.

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## Chapter 48.

### Operation of Motor Vehicles for Profit

#### Motor Vehicles Carrying Passengers or Freight for Hire or Leased for Hire.

**Sec. 5. Such motor vehicles not operated without certificate.**—No person, firm or corporation shall operate a motor vehicle or vehicles as described in section 1 on any street or highway in any city or town of this state, without obtaining from the commission a certificate permitting such operation. Nor shall the commission issue an original certificate or amend a certificate unless it finds after public hearing that public convenience and necessity require such operation, provided however, that the commission may, in its discretion and for good and sufficient reason issue a temporary certificate authorizing such operation and hold the prescribed hearing at a later date and then determine whether a certificate shall be finally issued; but no temporary certificate shall be issued for a period longer than 30 days; no temporary certificate shall be extended or renewed, and

no temporary certificate shall be issued unless the applicant has paid the fees and procured insurance as required by section 10. (R. S. c. 44, § 4. 1947, c. 21. 1955, c. 41.)

**Effect of amendment.**—The 1955 amendment added all that part of the second sentence following the word “operation” in line six.

### Operating Motor Trucks for Hire.

**Sec. 22. Schedules of rates filed.**—Every holder of a certificate of public convenience and necessity shall file with the commission a schedule or schedules showing 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 holder of a certificate or of a permit, nor any officer, agent or employee 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 its schedule or schedules, filed with the commission, or in the case of holders of permits, less than the minimum rate prescribed by the commission, nor shall any holder of a certificate or of a permit, nor any officer, agent or employee of such holder refund or remit, directly or indirectly, in any manner or by any device, any portion of the rate so specified or prescribed. 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 employee thereof knowingly to offer, grant or give, or to solicit, accept or receive any rebate, discount, concession or discrimination in violation of any provision of sections 19 to 33, inclusive, or by means of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease or bill of sale, or by any other means or device, whatsoever, knowingly or willfully assist, suffer or permit any person, firm or corporation to obtain transportation of property subject to sections 19 to 33, inclusive, free or for less than the applicable rate or charge, or by any such means, or otherwise, fraudulently seek to evade or defeat regulation as in this chapter provided; except that free or reduced rate transportation of property may be given by a holder of a certificate or permit for the same purposes and to the same extent as is authorized by section 40 of chapter 44. (R. S. c. 44, § 20. 1955, c. 337.)

**Effect of amendment.**—The 1955 amendment rewrote the last sentence.

### Sec. 23. “Contract carrier” defined; regulations.

**IV.** The commission is vested with power and authority and shall have the duty to prescribe rules and regulations covering the operations of contract carriers in competition with common carriers over the highways of this state. Any person, firm or corporation required to obtain a permit under the provisions of this section shall be subject to all the provisions of sections 63 to 68, inclusive, of chapter 44. The commission may prescribe reasonable minimum rates and charges to be collected by contract carriers. It shall be the duty of every contract carrier to establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of property or in connection therewith, which rates and charges shall not be less than the rates charged by common carriers for substantially the same or similar service, and to establish reasonable rules, regulations and practices to be applied in connection with said reasonable rates and charges; it shall be the duty of every contract carrier to file with the commission, publish, and keep open for public inspection, in the form and manner prescribed by the commission, schedules

containing the minimum rates or charges of such carrier actually maintained and charged for the transportation of property in intrastate commerce and any rule, regulation or practice affecting such rates or charges. Whenever, after hearing, upon complaint of interested parties or in an investigation on its own motion, the commission finds that any minimum rate or charge of any contract carrier for the transportation of property, or any rule, regulation or practice of any such carrier affecting such minimum rate or charge, is unjust or unreasonable, or is contrary to the provisions of sections 19 to 32, inclusive, it shall prescribe the minimum rate or charge, or such rule, regulation or practice, as it shall find to be just and reasonable and to be necessary or desirable to carry out the provisions and intent of said sections. No contract carrier shall charge less than the minimum rates or charges filed with or prescribed by the commission, but nothing in sections 19 to 32, inclusive, shall prohibit any contract carrier from charging more than such minimum rates. Nothing in this subsection shall apply to the transportation of property by 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. (1955, c. 286)

**Effect of amendment.**—The 1955 amendment rewrote the former first sentence of subsection IV to appear as the present first and third sentences, and inserted the

present second sentence of subsection IV. As the rest of the section was not changed by the amendment, only subsection IV is set out.

## **Sec. 29. Exemptions in re operation of motor vehicles.—**

### **I. Exemptions.**

**E.** While engaged exclusively in the hauling of wood, pulpwood, logs or sawed lumber from the woodlot or forest area where cut or sawed to points within 100 miles thereof, by highway, or while hauling, within said distance, horses, crew, equipment and supplies to or from such woodlot or forest area; (1949, c. 212, § 1. 1955, c. 331)

**Effect of amendment.**—The 1955 amendment substituted "100" for "60" in paragraph E of subsection I. As the rest of

the section was not changed by the amendment, only paragraph E is set out.

## **Chapter 49.**

### **Corporations for Navigation by Steam.**

#### **Safety on Inland Steamers.**

### **Sec. 5. Definitions.**

**II.** "Motorboat" means any vessel propelled by motive power other than steam or outboard motor. (1955, c. 281)

**IV.** "Vessel" means any boat or vessel operated by machinery propelled by steam or other motive power except by outboard motor. [1955, c. 281] (R. S. c. 45, § 5. 1955, c. 281.)

**Effect of amendment.**—The 1955 amendment added the words "or outboard motor" at the end of subsection II and the words "except by outboard motor" at the

end of subsection IV. As the rest of the section was not changed by the amendment, only subsections II and IV are set out.

**Sec. 10. Boats, properly equipped, and life rafts carried by vessels over 30 feet in length; life preservers.**—Every vessel more than 30 feet in length, measured from end to end along deck, excluding sheer, subject to registration, shall have at least 1 substantial boat, with life lines attached, properly supplied with oars, kept tight and in good condition at all times and ready for