

**§5101-D. Unscheduled freight services**

The commission shall issue a certificate of public convenience and necessity to an applicant filing a tariff meeting the following listed minimum conditions. [PL 1991, c. 774, §2 (NEW).]

**1. Mainland service.** For service between mainland Cumberland County and Long Island, Cliff Island, Little Diamond Island, Great Diamond Island and Chebeague Island and service between these islands:

A. The service is for unscheduled transportation of a roll-on and roll-off vehicle, as defined by the commission by rule, with a cargo weight in excess of 5 gross tons, excluding 4-wheel trucks and cars of 10 or less gross tons unless carried in conjunction with a roll-on and roll-off vehicle with a cargo weight in excess of 5 gross tons; [PL 1991, c. 774, §2 (NEW).]

B. The vehicles transported:

(1) Carry only commodities in bulk, construction materials, or household goods, provided that the household goods are carried in tractor trailers; or

(2) Are construction equipment or special purpose vehicles, such as trash compactors and emergency equipment. Freight transported in the vehicles may not include food, beverages, perishables and wrapped or boxed freight; and [PL 1991, c. 774, §2 (NEW).]

C. Loading and unloading of vessels does not occur at wharves or docks used by the Casco Bay Island Transit District for its scheduled service. [PL 1991, c. 774, §2 (NEW).]  
[PL 1991, c. 774, §2 (NEW).]

**2. Peaks Island service.** For service between Peaks Island and mainland Cumberland County and between Peaks Island and Long Island, Cliff Island, Little Diamond Island, Great Diamond Island, Chebeague Island or Bailey Island:

A. The service is for unscheduled transportation of a roll-on and roll-off vehicle, as defined by the commission by rule, with a cargo weight in excess of 5 gross tons, excluding 4-wheel trucks and cars of 10 or less gross tons unless carried in conjunction with a roll-on and roll-off vehicle with a cargo weight in excess of 5 gross tons; [PL 1991, c. 774, §2 (NEW).]

B. The vehicles transported:

(1) Carry only commodities in bulk, construction materials, or household goods, provided that the household goods are carried in tractor trailers; or

(2) Are construction equipment or special purpose vehicles, such as trash compactors and emergency equipment. Freight transported in the vehicles may not include food, beverages, perishables, and wrapped or boxed freight; [PL 1991, c. 774, §2 (NEW).]

C. The freight carried in vehicles transported on any single trip may consist of property of multiple owners only if that property was originally sold by a single vendor who is the owner of one of the vehicles transported on the trip or if the freight contained in the vehicles transported on the trip is for the performance or is related to the performance of a single contract performed or to be performed by the owner of one of the vehicles carried on the trip; and [PL 1991, c. 774, §2 (NEW).]

D. Loading and unloading of vehicles does not occur at any wharf or dock used by the Casco Bay Island Transit District for its scheduled service. [PL 1991, c. 774, §2 (NEW).]  
[PL 1991, c. 774, §2 (NEW).]

**3. Statement of fees.** The tariff includes the statement of the hourly fee of the carrier and the minimum fee of the carrier, which may not be less than one hour at the hourly fee.  
[PL 1991, c. 774, §2 (NEW).]

For the purposes of this section, the term "unscheduled transportation" means transportation that is provided on demand, not pursuant to any published or announced schedule and not as a part of a pattern of an operator in providing transportation at a regular or preset frequency. [PL 1991, c. 774, §2 (NEW).]

#### SECTION HISTORY

PL 1991, c. 774, §2 (NEW).

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