

SENATE No. 620

[Senate, No. 620. — Moved (Taylor) as a substitute for the House Report of the committee on Transportation, "reference to the next annual session", on the petition of John J. O'Rourke and Maurice A. Donahue, accompanied by bill, House, No. 230.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-One.

AN ACT PROVIDING THAT THE DEPARTMENT OF PUBLIC UTILITIES ISSUE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO COMMON CARRIERS BY WATER WITHIN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 159 of the General Laws is hereby amended
2 by inserting after section 105 the following section: —
3 *Section 106.* (a) No person shall engage in the
4 transportation or carriage of persons or property, or
5 both, for hire, between points within the common-
6 wealth by ships or vessels in excess of one hundred
7 gross tons using steam or diesel or gasoline or other
8 fuel as means of propulsion unless he has obtained
9 from the department a certificate declaring that pub-
10 lic convenience and necessity require such operation;
11 provided, however, if any such person or its predeces-
12 sor in interest was in bona fide operation as a common

13 carrier by water on September first, nineteen hundred
14 and fifty, over the route or routes or between the ports
15 with respect to which application is made, and has so
16 operated since that time (or, if engaged in furnishing
17 seasonal service only, was in bona fide operation over
18 the route or routes or between the ports with respect
19 to which application was made during the seasonal
20 period immediately prior to or including such date),
21 except in either event, as to interruptions of service
22 over which the applicant or its predecessor in interest
23 had no control, such operation may be continued pend-
24 ing the determination by the department of an applica-
25 tion for a certificate of public convenience and neces-
26 sity filed by such person under subsection (b) hereof
27 prior to the expiration of thirty days from the effective
28 date of this act.

29 (b) Application for a certificate of public conven-
30 ience and necessity shall be made in writing to the
31 department and shall be in such form and contain such
32 information as the department may prescribe. The
33 department may, after public hearing issue or refuse
34 to issue such a certificate, or may issue same for the
35 partial exercise only of the privilege sought. Said
36 certificate shall specify the route or routes or the ports
37 or both over which or between which the ships and
38 vessels to be used thereunder may operate, and may
39 prescribe the period during which the rights granted
40 therein may be exercised, and may attach to the exer-
41 cise of such rights such terms and conditions as the
42 department shall deem that public convenience and
43 necessity may require. The department, after notice
44 and hearing, may revoke any such certificate for cause,
45 and may, in like manner, revise any provisions thereof
46 and any of the terms and conditions of such certificate.

47 Upon such revocation, or upon the termination of the
48 period covered by such certificate, the right of any
49 person to operate thereunder shall immediately ter-
50 minate.

51 (c) Any person engaged in the operation of ships
52 and vessels under a certificate as provided in this sec-
53 tion is hereby declared a common carrier. The de-
54 partment shall have general supervision and regula-
55 tion of and jurisdiction and control over such common
56 carrier, including rates, charges and service as other-
57 wise provided in chapter one hundred and fifty-nine.
58 The department may adopt rules and regulations
59 governing the operation of ships and vessels under a
60 certificate issued hereunder.

61 (d) The term "person" as herein used shall include
62 any individual, firm, co-partnership, corporation,
63 company, association, or joint-stock association, in-
64 cluding any trustee, administrator, executor, re-
65 ceiver, assignee or other personal representative
66 thereof.

