

# MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

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Legislative Document

No. 1038

H. P. 752

House of Representatives, January 31, 1961

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Haughn of Bridgton.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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AN ACT Repealing Law Providing for Additional Court Review in Public  
Utility Cases.

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

**R. S., c. 44, § 69, repealed.** Section 69 of chapter 44 of the Revised Statutes is repealed as follows:

'Sec. 69. Additional court review. Notwithstanding the provisions of sections 67 and 68, in all cases in which the justness or reasonableness of a rate, toll or charge by any public utility or the constitutionality of any ruling or order of the commission is in issue, the supreme judicial court sitting as a law court shall also have jurisdiction upon a petition in equity to review, modify, amend or annul any ruling or order of the commission, but only to the extent of the unlawfulness of such ruling or order. If in such petition it is alleged that confiscation of property or other violation of constitutional right results from such ruling or order, the law court shall exercise its own independent judgment as to both law and facts. The procedure before said court shall be that prescribed by it in the particular proceeding or by its rules, if any, applicable thereto and pending final determination by the court, the chief justice thereof, or in his absence any other justice, may enjoin or stay the effect of such ruling or order upon such terms and conditions as he may deem proper. Such petition shall be filed with the clerk of the law court in the county of Kennebec and a copy thereof with the clerk of the commission, both within 30 days after the date of the said ruling or order or within such further time as the court may allow, together with a certificate that the attorney for the petitioner is of opinion that there is such probable ground for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for

delay; and double costs shall be assessed by the court upon any such party whose petition shall appear to the court not to be a fit subject for judicial inquiry or shall appear to be intended for delay.'