

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 223

In Senate, Feb. 22, 1917.

Referred to Committee on Public Utilities and one thousand copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

Presented by Mr. Holt of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT amending Section 50 of Chapter 55 of the Revised Statutes, authorizing complaint by a utility against itself, and empowering the Public Utilities Commission to order refund.

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

Section 1. Section 50 of Chapter 55 of the Revised Statutes is hereby amended so as to read as follows:

'Sect. 50. Any public utility may make complaint as to any matter affecting its own product, service or charges, with like effect as though made by any ten persons, firms,

4 corporations or associations. And the commission may au-
5 thorize reparation or adjustment where the utility admits
6 that a rate charged was excessive or unreasonable, or col-
7 lected through error, and it appears that the utility has sub-
8 sequently within thirty days published the rate to which the
9 reduction is authorized in place of the rate which is admitted
10 to be excessive or unreasonable; provided, however, that
11 such new rate so published shall continue in force one year
12 unless sooner changed by the order or with the consent of
13 the commission. Within six months after the rendering of
14 any service within the state of Maine by any public utility,
15 for which service a rate, toll or charge is made by such
16 utility, any person, firm, corporation or association aggrieved
17 may complain to the commission that the rate, toll or charge
18 exacted for such service is unjustly discriminatory against
19 him, or it, either because it is higher than that charged by
20 the same utility for the same service, or service of similar
21 value and cost, rendered to other users or consumers there-
22 of, or because the utility has failed, without reasonable cause
23 to make a more favorable rate, toll or charge, published by it
24 for the same or a similar service, as aforesaid, applicable to
25 the said user or consumer, or to the class of users or con-
26 sumers to which he or it belongs, or at the place at which
27 said service is rendered. Within six months after an order
28 has been made authorizing reparation or adjustment under
29 the second sentence of this section, any person, firm, corpor-
30 ation or association aggrieved may complain to the commis-

31 sion that he or it is entitled to reparation from the same
32 utility by reason of the payment of the same rates which
33 said utility admits are excessive or unreasonable, or col-
34 lected through error; provided, said utility might lawfully
35 have been permitted to make such reparation on its own
36 petition, and, provided further, such person, firm, corpora-
37 tion or association shall have made written request for such
38 utility to file its own petition for authority to make such
39 reparation or adjustment not less than thirty days before
40 filing the aforesaid complaint. Upon receipt of either of the
41 aforesaid complaints the commission shall make such inves-
42 tigation as it deems necessary to determine whether a hear-
43 ing ought to be given thereon. It may order a hearing upon
44 such notice to said utility as it deems just and reasonable.
45 If, upon such hearing, the commission shall decide that the
46 complainant has been injured in either of the ways herein
47 mentioned, it shall find what sum said utility ought to refund
48 or repay to said complainant on account thereof, which said
49 sum said utility shall have the right to refund. If it shall
50 refuse or neglect to make such refund within thirty days,
51 the party aggrieved thereby may maintain an action in the
52 courts of this state to recover said amount, and in the trial
53 thereof the findings of this commission shall be prima facie
54 evidence of the truth of the facts found by it, and no utility
55 shall be permitted to avail itself of the defense of such
56 action that the service involved was in fact made on the pub-
57 lished tariff rate in force at the time it was rendered; but no

58 utility making a refund upon the order of the commission or
59 pursuant to judgment of the court as herein provided, shall
60 be liable for any penalty or forfeiture, or subject to any
61 prosecution under the laws of this state on account of mak-
62 ing such refund.'

Sect. 2. Any person, firm, corporation or association ag-
2 grieved in any of the ways specified in the foregoing section
3 at any time since the first day of November, one thousand
4 nine hundred and fourteen, may have relief under said sec-
5 tion on application therefor within three months after this
6 act takes effect, notwithstanding said period of six months
7 shall have elapsed.