

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 307

House of Representatives, February 28, 1919.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Allan of Portland.

STATE OF MAINE

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

AN ACT to Amend Section Fifty of Chapter Fifty-five of the Revised Statutes as Amended by Section One of Chapter One Hundred Thirty-one of the Public Laws of Nineteen Hundred Seventeen, Relating to Complaint Against a Public Utility Made by Itself.

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

Section one of chapter one hundred thirty-one of the public laws of nineteen hundred seventeen is hereby amended by adding thereto after the sentence which ends with the word "associations" the words following:

'Any such public utility may also make complaint to the commission as to the result to it and to the public of being

3 compelled to continue the rendering of the whole or any
4 part of the service it is rendering; and after notice and
5 public hearing thereon said commission may authorize any
6 such public utility, for a definite or an indefinite period,
7 to discontinue the rendering of all or a stated part of the
8 service it is authorized to render.' So that said section
9 as amended shall read as follows:

'Sect. 50. Proceedings when complaint of discrimina-
2 tory charge is not made by utility. Public utilities com-
3 mission may order refund.

Any public utility may make complaint as to any matter
2 affecting its own product, service or charges, with like
3 effect as though made by any ten persons, firms, corpora-
4 tions or associations. Any such public utility may also
5 make complaint to the commission as to the result to it and
6 to the public of being compelled to continue the render-
7 ing of the whole or any part of the service it is rendering;
8 and after notice and public hearing thereon said commis-
9 sion may authorize any such public utility, for a definite
10 or an indefinite period, to discontinue the rendering of all
11 or a stated part of the service it is authorized to render.
12 And the commission may authorize reparation or adjust-
13 ment where the utility admits that a rate charged was ex-
14 cessive or unreasonable, or collected through error, and it
15 appears that the utility has subsequently within thirty days
16 published the rate to which the reduction is authorized in
17 place of the rate which is admitted to be excessive or unrea-

18 sonable; provided, however, that such new rate so pub-
19 lished shall continue in force one year unless sooner changed
20 by the order or with the consent of the commission. With-
21 in six months after the rendering of any service within the
22 state of Maine by any public utility, for which service a
23 rate, toll or charge is made by such utility, any person,
24 firm, corporation or association aggrieved may complain
25 to the commission that the rate, toll or charge exacted for
26 such service is unjustly discriminatory against him, or it,
27 either because it is higher than that charged by the same
28 utility for the same service, or service of similar value and
29 cost, rendered to other users or consumers thereof, or
30 because the utility has failed, without reasonable cause
31 to make a more favorable rate, toll or charge, published by
32 it for the same or a similar service, as aforesaid, applicable
33 to the said user or consumer, or to the class of users or
34 consumers to which he or it belongs, or at the place at
35 which said service is rendered. Within six months after
36 an order has been made authorizing reparation or adjust-
37 ment under the second sentence of this section, any person,
38 firm, corporation or association aggrieved may complain to
39 the commission that he or it is entitled to reparation from
40 the same utility by reason of the payment of the same rates
41 which said utility admits are excessive or unreasonable, or
42 collected through error; provided, said utility might law-
43 fully have been permitted to make such reparation on its
44 own petition, and, provided further, such person, firm, cor-

45 poration or association shall have made written request
46 for such utility to file its own petition for authority to make
47 such reparation or adjustment not less than thirty days
48 before filing the aforesaid complaint. Upon receipt of
49 either of the aforesaid complaints the commission shall
50 make such investigation as it deems necessary to determine
51 whether a hearing ought to be given thereon. It may order
52 a hearing upon such notice to said utility as it deems just
53 and reasonable. If, upon such hearing, the commission shall
54 decide that the complainant has been injured in either of
55 the ways herein mentioned, it shall find what sum said
56 utility ought to refund or repay to said complainant on
57 account thereof, which said sum said utility shall have the
58 right to refund. If it shall refuse or neglect to make such
59 refund within thirty days, the party aggrieved thereby may
60 maintain an action in the courts of this state to recover
61 said amount, and in the trial thereof the findings of this
62 commission shall be prima facie evidence of the truth of
63 the facts found by it, and no utility shall be permitted to
64 avail itself of the defense of such action that the service
65 involved was in fact made on the published tariff rate in
66 force at the time it was rendered; but no utility making a
67 refund upon the order of the commission or pursuant to
68 judgment of the court as herein provided, shall be liable
69 for any penalty or forfeiture, or subject to any prosecu-
70 tion under the laws of this state on account of making such
71 refund.