

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

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Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Eighth Legislature

**1917**

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the maximum penalty provided by law, and the penalty so stated shall be the maximum sentence in such case. He shall before or at the time of passing such sentence ascertain by examination of such prisoner on oath, or otherwise, and in addition to such oath, by such other evidence as can be obtained, any facts tending to indicate briefly the cause of the criminal character or conduct of such prisoner, which facts, and such other facts as shall appear to be pertinent in the case, he shall cause to be entered upon the minutes of the court.'

Approved March 29, 1917.

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## Chapter 131.

An Act Amending Section Fifty of Chapter Fifty-five 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:*

**Sec. 1. R. S., c. 55, § 50, relating to complaint against public utility made by itself.** Section fifty of chapter fifty-five of the revised statutes is hereby amended so as to read as follows:

**'Sec. 50. Proceedings when complaint of discriminatory charge is not made by utility. Public utilities commission may order refund.** 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, corporations or associations. And the commission may authorize reparation or adjustment where the utility admits that a rate charged was excessive or unreasonable, or collected through error, and it appears that the utility has subsequently within thirty days published the rate to which the reduction is authorized in place of the rate which is admitted to be excessive or unreasonable; provided, however, that such new rate so published shall continue in force one year unless sooner changed by the order or with the consent of the commission. Within six months after the rendering of any service within the state of Maine by any public utility, for which service a rate, toll or charge is made by such utility, any person, firm, corporation or association aggrieved may complain to the commission that the rate, toll or charge exacted for such service is unjustly discriminatory against him, or it, either because it is higher than that charged by the same utility for the same service, or service of similar value and cost, rendered to other users or consumers thereof, or because the utility has failed, without reasonable cause to make a more favorable rate, toll or charge, published by it for the same or a similar service, as aforesaid, applicable to the said user or consumer, or to the class of users or consumers to which he or it belongs, or at the place at which said service is rendered. Within six months after an order has been made authorizing reparation or adjustment under the second sentence of this section, any person, firm, corporation or association aggrieved may complain to the commission that he or it is entitled to reparation from the same utility by reason of the payment of the same rates which said utility admits

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are excessive or unreasonable, or collected through error; provided, said utility might lawfully have been permitted to make such reparation on its own petition, and, provided further, such person, firm, corporation or association shall have made written request for such utility to file its own petition for authority to make such reparation or adjustment not less than thirty days before filing the aforesaid complaint. Upon receipt of either of the aforesaid complaints the commission shall make such investigation as it deems necessary to determine whether a hearing ought to be given thereon. It may order a hearing upon such notice to said utility as it deems just and reasonable. If, upon such hearing, the commission shall decide that the complainant has been injured in either of the ways herein mentioned, it shall find what sum said utility ought to refund or repay to said complainant on account thereof, which said sum said utility shall have the right to refund. If it shall refuse or neglect to make such refund within thirty days, the party aggrieved thereby may maintain an action in the courts of this state to recover said amount, and in the trial thereof the findings of this commission shall be prima facie evidence of the truth of the facts found by it, and no utility shall be permitted to avail itself of the defense of such action that the service involved was in fact made on the published tariff rate in force at the time it was rendered; but no utility making a refund upon the order of the commission or pursuant to judgment of the court as herein provided, shall be liable for any penalty or forfeiture, or subject to any prosecution under the laws of this state on account of making such refund.'

**Sec. 2. Provisions retroactive.** Any person, firm, corporation or association aggrieved in any of the ways specified in the foregoing section at any time since the first day of November, one thousand nine hundred and fourteen, may have relief under said section on application therefor within three months after this act takes effect, notwithstanding said period of six months shall have elapsed.

Approved March 29, 1917.

## Chapter 132.

An Act to make Uniform the Law of Bills of Lading.

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

### The Issue of Bills of Lading.

**Sec. 1. Bills governed by this act.** Bills of lading issued by any common carrier for the transportation of goods within this state shall be governed by this act.

**Sec. 2. Form of bills. Essential terms.** Every bill must embody within its written or printed terms:

- (a) The date of its issue,
- (b) The name of the person from whom the goods have been received,