

MAINE STATE LEGISLATURE

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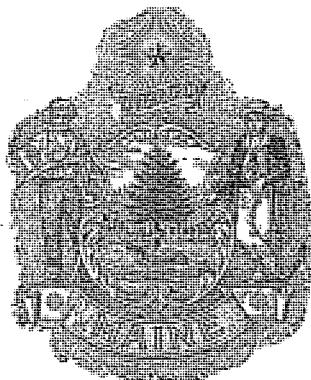
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CHAPTER 55.

The Public Utilities Commission.

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Appointment, and General Authority and Duties.

Sec. 1. Appointment of commissioners; tenure of office; vacancies; clerks and their duties; chief inspector of utilities; office and equipment. 1913, c. 129, §§ 1, 2, 71. 1915, c. 169, § 1. The Public Utilities Commission as heretofore established, shall consist of three members appointed by the governor, with the advice and consent of the council, from time to time upon the expiration of the terms of the several members, for terms of seven years; any vacancy occurring in said commission shall be filled by appointment for the unexpired portion of the term in which such vacancy occurs. One member of the commission shall be designated by the governor as chairman. The commission shall adopt and have a seal and be provided with an office at the state house in which its records shall be kept. Under the direction of the governor and council the commission may expend such sums of money as may be necessary for the purchase of books, maps, stationery, office furniture and supplies, for procuring statistics and information and for defraying expenses incidental to the discharge of its duties; a statement of such expenses shall accompany its annual report. The commission shall appoint a clerk and an assistant clerk, also a chief inspector of utilities, who shall be a practical railroad man and shall perform such duties as the commission may require. The clerk shall keep a full and minute record of the proceedings of the commission which shall be open to public inspection at all times. The assistant clerk shall assist the clerk in the performance of his duties, and in the absence of the clerk shall have the same powers as the clerk. The commission shall have custody and control of all records, maps and papers pertaining to the offices of the former board of railroad commissioners and the former state water storage commission.

Sec. 2. Members of commission and employees shall not be connected with any public utility, nor shall commissioner hold other office; removal for violation of this section. 1913, c. 129, § 1. No member or employee of

said commission shall have any official or professional connection or relation with or hold any stock or securities in any public utility as herein defined, operating within the State of Maine, nor shall he render any professional service against any such public utility, nor shall he be a member of a firm which shall render any such service. No commissioner shall hold any other office of profit or trust under the government of the United States or of this state except the office of justice of the peace or notary public, nor shall he serve on or under any committee of any political party. Any wilful violation of the provisions of this chapter by any commissioner shall constitute sufficient cause for his removal by the governor with the advice and consent of the council.

Sec. 3. Commission may employ expert assistance. 1913, c. 129, § 3. The commission may employ such expert, professional, or other assistance as is necessary in making investigations or in otherwise carrying out the provisions of this chapter, and may make all necessary rules and regulations.

Sec. 4. Investigations by commission. 1913, c. 129, § 4. The commission shall have authority to inquire into the management of the business of all public utilities, and shall keep itself informed as to the manner and method in which each is conducted; and shall have the right to obtain from any public utility all necessary information to enable the commission to perform its duties.

Sec. 5. Commission may inspect books and papers; agents shall produce authority to inspect; shall not divulge information. 1913, c. 129, § 5. The commission or any commissioner or any person or persons employed by the commission for that purpose, shall, upon demand, have the right to inspect the books, accounts, papers, records and memoranda of any public utility in relation to its business and affairs and to take copies thereof. Any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection. Such person or persons so employed shall not directly or indirectly divulge any information so derived to any one except to the commission or under direction of the commission. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars and by imprisonment for not more than one year.

Sec. 6. Public utilities shall furnish information. 1913, c. 129, § 6. Every public utility shall furnish the commission with all information necessary to carry into effect the provisions of this chapter; and in case it is unable to furnish such information it shall give a good and sufficient reason for such failure, and the reason for such failure shall be verified by an officer, owner or agent of such public utility and returned to the commission at its office within the time fixed by the commission.

Sec. 7. Commission may serve order for production of books and papers; penalty for failure to obey order. 1913, c. 129, § 7. The commission may require, by order or subpoena to be served on any public utility in the same manner that a summons is served in a civil action in the supreme judicial court, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility and within its control in any office or place within or outside the state, or verified copies thereof instead, if the commission shall so order,

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so that an examination thereof may be made by the commission or under its direction. Any public utility or any officer, agent or attorney thereof failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit and pay into the state treasury a sum not less than fifty dollars nor more than five hundred dollars to be recovered by the state in an action on the case, which may be instituted by the commission in the name of the state.

Sec. 8. Commission shall inquire into violations of law by public utilities; attorney-general and county attorneys shall aid commission; actions to recover penalties. 1913, c. 129, § 8. The commission shall inquire into any neglect or violation of the laws of the state by any public utility doing business therein, or by the officers, agents or employees thereof or by any person operating the plant of any public utility; and shall enforce the provisions of this chapter and all other laws relating to public utilities and shall report all violations thereof to the attorney-general. Upon the request of the commission the attorney-general or the county attorney of the proper county shall aid in any investigation, hearing or trial had under the provisions of this chapter, and shall institute and prosecute all necessary actions or proceedings for the enforcement of this chapter and of all other laws of this state relating to public utilities and to the punishment of all violations thereof. Any forfeiture or penalty herein provided shall be recovered and suit therefor be brought in the name of the state in the supreme judicial court in the county where the main office of the public utility is located or in Kennebec county. Complaint for the recovery of any such forfeiture may be made by the commission or any member thereof, and when so made the action so commenced shall be prosecuted by the attorney-general. The commission may employ counsel in any proceeding, investigation or trial.

Sec. 9. Duties of commission as to water powers of state. 1909, c. 212, § 2. 1913, c. 129, § 71. The commission shall collect information relating to the water powers of the state, the flow of rivers and their drainage area, the location, nature and size of the lakes and ponds in the state and their respective value and capacity as storage reservoirs, and such other hydrographic data as they may deem of value in devising the best methods for the improvement of the natural storage basins of the state, and the creation of new storage reservoirs, with a view to conserving and increasing the capacity of the water powers of the state.

Sec. 10. Authorized to confer with U. S. geological survey. 1909, c. 212, § 3. 1911, c. 170, § 2. The commission may confer with the director or the representative of the United States geological survey and accept its cooperation in the prosecution of hydrographic and geological surveys, and the preparation of a contour topographic survey and map of the state.

Sec. 11. Plans of any proposed dam, or improvement of water storage basin. 1909, c. 212, § 4. Every person, firm or corporation before commencing the erection of a dam for the purpose of developing any water power in this state, or the creation or improvement of a water storage basin or reservoir for the purpose of controlling the waters of any of the lakes or rivers of the state, shall file with said commission for its information and use copies of plans for the construction of any such dam or storage

basin or reservoir, and a statement giving the location, height and nature of the proposed dam and appurtenant structures and the estimated power to be developed thereby; and in case a dam is to be constructed solely for the purpose of water storage and not for the development of a water power at its site, plans and statements shall be filed with the commission showing the extent of the land to be flowed, the estimated number of cubic feet of water that may be stored and the estimated effect upon the flow of the stream or streams to be affected thereby.

Sec. 12. Report of its operations and investigations. 1909, c. 212, § 5. 1911, c. 170, § 3. The commission shall publish in its annual report an account of its operations and include any data that it may collect bearing on the water powers and water resources of the state; and upon a comprehensive and practical plan for the improvement and creation of such water storage basins and reservoirs as will tend to develop and conserve the water powers of the state. The commission shall also report so far as its investigations will permit on the development of the water powers of the state with reference to the general plan proposed so that the legislature may have before it a comprehensive summary of the possibilities that lie in the development of the water powers of the state, as a natural resource and the necessary steps that should be taken by the state to further increase and conserve them.

Sec. 13. Duty to ascertain and report water storage capacity. 1909, c. 212, § 6. So far as any proposed plan devised by the commission for the improvement and increase of water storage basins or reservoirs shall include the construction of a dam or dams upon or at the head waters of any river or water course, the commission shall ascertain and report as nearly as may be the water storage capacity in cubic feet of the reservoir to be created, the recorded rainfall on the watershed above such proposed dam, and the maximum, minimum and average flow of water per second in cubic feet during each month in the year in said river or water course. They shall as nearly as practicable estimate the increased power that would be developed by such proposed dam in the rivers or streams to be affected thereby.

Sec. 14. Duty to ascertain what land can be purchased by state, and cost thereof. 1909, c. 212, § 8. The commission shall ascertain what townships or parts of townships of land can be purchased by the state and the cost thereof, with all the necessary data for a correct understanding of their value as a forest reserve or for conserving the water powers of the state, or for reforestation, and shall further investigate the question of denuded, burnt over or barren lands in the state, their extent and value with a view to their purchase by the state for reforestation.

Definitions.

Sec. 15. Words and phrases defined. 1913, c. 129, § 9. 1915, c. 347, § 1. The term "commission" when used in this chapter, means the Public Utilities Commission.

The term "commissioner" when used in this chapter, means one of the members of the commission.

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The term "corporation" when used in this chapter, includes municipal and quasi-municipal corporations.

The term "person" when used in this chapter, includes an individual, a copartnership and a voluntary association.

The term "transportation of persons" when used in this chapter, includes every service in connection with or incidental to the safety, comfort and convenience of the person transported and the receipt, carriage and delivery for such person and his baggage.

The term "transportation of property" when used in this chapter, includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, dunnage, storage and handling, and the transmission of credit by express or telegraph companies.

The term "street railroad" when used in this chapter, includes every railway, and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city or town, together with all real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.

The term "street railroad company" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this state.

The term "railroad" when used in this chapter, includes every commercial, interurban and other railway other than a street railroad and each and every branch and extension thereof by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.

The term "railroad company" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this state.

The term "express company" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or over any stage line or auto stage line within the state.

The term "common carrier" when used in this chapter, includes every railroad company, street railroad company, express company, dispatch, sleeping-car, dining-car, drawing-room car, freight, freight line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this

state; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this state or upon the high seas, over regular routes between points within this state.

The term "gas plant" when used in this chapter, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas for light, heat or power.

The term "gas company" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation within this state, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

The term "electric plant" when used in this chapter, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, for public use and all conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power for public use.

The term "electrical company" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any electric plant for compensation within this state, except where electricity is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

The term "telephone line" when used in this chapter, includes all conduits, ducts, poles, wires, cables, instruments and appliances and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.

The term "telephone company" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telephone line for compensation within this state.

The term "telegraph line" when used in this chapter, includes all conduits, ducts, poles, wires, cables, instruments and appliances and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires.

The term "telegraph company" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed

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by any court whatsoever, owning, controlling, operating or managing any telegraph line for compensation within this state.

The term "water-works" when used in this chapter, includes all reservoirs, tunnels, shafts, dams, dikes, head-gates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for municipal and domestic use.

The term "water company" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water-works for compensation within this state.

The term "vessel" when used in this chapter, includes every steamboat which is owned, controlled, operated or managed for public use, in the transportation of persons or property for compensation within this state.

The term "wharfinger" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this state.

The term "warehouseman" when used in this chapter, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger.

The term "public utility" when used in this chapter, includes every common carrier, gas company, electrical company, telephone company, telegraph company, water company, wharfinger and warehouseman, as those terms are defined in this section, and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission, and to the provisions of this chapter.

Rates and Accounting.

Sec. 16. Public utility shall furnish safe and reasonable facilities; charges shall be reasonable and just. 1913, c. 129, § 10. Every public utility is required to furnish safe, reasonable and adequate facilities. The rate, toll or charge, or any joint rate made, exacted, demanded or collected by any public utility for the conveyance or transportation of persons or property between points within this state, or for any heat, light, water or power produced, transmitted, delivered or furnished, or for any telephone or telegraph message conveyed, or for any service rendered or to be rendered in connection with any public utility, shall be reasonable and just, taking into due consideration the fair value of all its property with a fair return thereon,

its rights and plant as a going concern, business risk and depreciation. Every unjust or unreasonable charge for such service is hereby prohibited and declared unlawful.

Sec. 17. Commission to prescribe uniform system of accounts. 1913, c. 129, § 11. Every public utility shall keep and render to the commission in the manner and form prescribed by the commission, uniform accounts of all business transacted. In formulating a system of accounting for any class of public utilities the commission shall consider any system of accounting established by any federal law, commission or department, and any system authorized by the national association of such utilities.

Sec. 18. Utility may be required to render account of subsidiary business. 1913, c. 129, § 12. Every public utility engaged directly or indirectly in any other subsidiary business shall, if ordered by the commission, keep and render separately to the commission in like manner and form, the accounts of all such business, in which case all the provisions of this chapter shall apply with like force and effect to the books, accounts, papers and records of such other business.

Sec. 19. Commission shall prescribe forms of all books and records; foreign public utility exempt, but to appoint a resident agent. 1913, c. 129, § 13. The commission shall prescribe the forms of all books, accounts, papers and records required to be kept, and every public utility is required to keep and render its books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the commission and to comply with all directions of the commission relating to such books, accounts, papers and records; provided that the requirements of this section shall not apply to a public utility having no property located within this state other than such as is employed therein while in transit, but every such public utility shall appoint an agent residing in this state upon whom all notices, processes of the commission or other papers relating to the provisions of this chapter may be served, and shall file a copy of such appointment with the clerk of the commission.

Sec. 20. Commission shall prepare blanks. 1913, c. 129, § 14. The commission shall cause suitable blanks to be prepared, for carrying out the purposes of this chapter, and shall when necessary, furnish such blanks to each public utility.

Sec. 21. Other systems prohibited. 1913, c. 129, § 15. No public utility shall keep any other books, accounts, papers or records of its business transacted than those prescribed or approved by the commission; provided, however, that nothing contained in this chapter shall require any public utility engaged in interstate commerce, to do, or not to do, anything contrary to the requirements of any federal law, relating thereto.

Sec. 22. Accounts closed June 30; balance sheet filed with commission. 1913, c. 129, § 16. The accounts of all public utilities shall be closed annually on the thirtieth day of June, and a balance-sheet of that date promptly taken therefrom. On or before the first day of September following, such balance-sheet together with such other information as the commission shall prescribe, verified by an officer or owner of the public utility, shall be filed with the commission.

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Sec. 23. Audit of accounts. 1913, c. 129, § 17. The commission shall provide for the examination and audit of all accounts and all items shall be allocated to the accounts in the manner prescribed by the commission.

Sec. 24. Authority of agents to inspect records of public utilities. 1913, c. 129, § 18. The agents, accountants or examiners employed by the commission shall have authority within or outside the state under the direction of the commission to inspect and examine any and all books, accounts, papers, records and memoranda kept by any public utility.

Sec. 25. Public utility shall file schedule of rates, and rules and regulations. 1913, c. 129, §§ 19, 20. Every public utility shall file with the commission within a time to be fixed by the commission, schedules which shall be open to public inspection, showing all rates, tolls and charges which it has established and which are in force at the time for any service performed by it within the state, or for any service in connection therewith or performed by any public utility controlled or operated by it or in conjunction therewith. The rates, tolls and charges shown on the schedules first to be filed shall not exceed the rates, tolls and charges which were in force on January first, nineteen hundred and thirteen, except that the rates, tolls and charges of utilities under the jurisdiction of the Interstate Commerce Commission, shown on the schedules first to be filed, shall be the rates, tolls and charges in force on the thirty-first day of October, nineteen hundred and fourteen. Every public utility shall file with and as a part of such schedules all rules and regulations that in any manner affect the rates charged or to be charged for any service.

Sec. 26. Copy of schedules shall be kept on file for the public. 1913, c. 129, § 21. A copy of so much of said schedules as the commission shall deem necessary for the use of the public shall be printed in plain type and kept on file in every station or office of said public utility where payments are made by the consumers or users, open to the public under such rules and regulations as may be prescribed by the commission.

Sec. 27. Schedules of joint rates. 1913, c. 129, § 22. Where a schedule of joint rates or charges is or may be in force between two or more public utilities, such schedules shall in like manner be printed and filed with the commission and so much thereof as the commission shall deem for the use of the public shall be filed in every such station or office as provided in section twenty-six of this chapter.

Sec. 28. Notice of change of rates required. 1913, c. 129, § 23. No change shall hereafter be made in any schedule including schedules of joint rates, except upon ten days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect.

Sec. 29. New schedules to be printed and open to the public. 1913, c. 129, § 24. Copies of all new schedules shall be filed as hereinbefore provided in every station and office of such public utility where payments are made by customers or users ten days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

Sec. 30. No preference or rebate as to rates for service. 1913, c. 129, § 25. 1915, c. 347, § 2. It shall be unlawful for any public utility to charge, demand, collect or receive a greater or less compensation, except as other-

wise provided in section thirty-four of this chapter, for any service performed by it within the state or for any service in connection therewith, than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect or receive any rate, toll or charge not specified in such schedules, provided, however, that any shipper may have a combined rate for through shipments over connecting lines of common carriers which shall not exceed the sum of the charges over the several lines between the two terminals of the shipment for the same commodity under the most favorable terms prescribed in the printed schedules for the connecting common carriers, if he shall have made application therefor in writing to any agent of the initial carrier twenty-four hours before such shipment is to be made; and such terms taken together shall be construed to be a joint printed schedule rate for such commodity going in the same direction between such points and shall then be and remain open to the public without such twenty-four hours' notice until canceled by the publishing of new rates for the same commodity by any such carrier, and no such carrier shall refuse to consign through to its destination in this state, and no such connecting carrier to receive and transport on such consignment, any commodity which is regularly a subject of carriage and through billing or consignment on the same and such connecting lines. The rates, tolls and charges named therein shall be the lawful rates, tolls and charges until the same are changed as provided in this chapter. The commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

Sec. 31. Comprehensive classification of service. 1913, c. 129, § 26. The commission shall provide for a comprehensive classification of service for each public utility and such classification may take into account the quantity used, the time when used, the purpose for which used and any other reasonable consideration. Each public utility is required to conform its schedules of rates, tolls and charges to such classification.

Regulation and Control.

Sec. 32. Utilities must not give special privileges. 1913, c. 129, § 30. It shall be unlawful for any public utility to demand, charge, collect or receive from any person, firm or corporation less compensation for any service rendered or to be rendered by such public utility in consideration of the furnishing by such person, firm or corporation of any part of the facilities incident thereto; provided that nothing herein shall be construed as prohibiting any public utility from renting any facilities incident to the production, transmission, delivery or furnishing of heat, light, water or power or the conveyance of telephone or telegraph messages and paying a reasonable rental therefor, or as requiring any public utility to furnish any part of such appliances which are situated in or upon the premises of any customer or user, except telephone station equipments upon the subscribers' premises, and unless otherwise ordered by the commission, meters and appliances for the measurement of any product or service; and provided further that nothing herein shall affect scheduled classifications of telephone service wherein separate charges are made for facilities and for service or

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scheduled classifications of rural telephone service wherein a portion of the facilities are regularly furnished by the user of the service.

Sec. 33. Unjust discrimination defined. 1913, c. 129, § 31. If any public utility make or give any undue or unreasonable preference or advantage to any particular person, firm or corporation or any undue or unreasonable prejudice or disadvantage in any respect whatever, such public utility shall be deemed guilty of unjust discrimination which is hereby prohibited and declared unlawful.

Sec. 34. Unlawful to receive or solicit rebates; exception; penalty. 1913, c. 129, § 32. 1915, c. 347, § 3. It shall be unlawful for any person, firm or corporation knowingly to solicit, accept or receive any rebate, discount or discrimination in respect to any service rendered or to be rendered by any public utility, or for any service in connection therewith whereby any such service shall in any manner, or by any device whatsoever, be rendered free or at a rate less than named in the schedules in force as provided herein or whereby any service or advantage is received other than is herein specified; provided that this chapter shall not prohibit such free or reduced rates by public utilities as is defined and provided for in the acts of Congress entitled, "An Act to Regulate Commerce" and acts amendatory thereof, nor free or reduced transportation to the officers of leased lines or to police officers or firemen in uniform or of municipal fire apparatus, editors and regular reporters of newspapers, nor free transportation under the provision of section fifty-one of chapter fifty-six; nor shall it be construed to prohibit any public utility from granting service at free or reduced rates for charitable or benevolent purposes, provided the same be approved by the commission; nor shall it be unlawful for any public utility to make special rates to its employees or in cases of emergency service, nor shall the furnishing by any public utility of any product or service at the rates and upon terms and conditions provided for in any contract in existence January first, nineteen hundred thirteen be construed as constituting a discrimination, or undue or unreasonable preference, or advantage within the meaning specified; provided, however, that when any such contract or contracts are or become terminable by notice of such utility the commission shall have power in its discretion to direct by order that such contract or contracts shall be terminated by such utility as and when directed by such order; and provided, further, that it shall be lawful for any public utility to make a contract for a definite term subject to the approval of the commission, for its product or service, but such published rates shall not be changed during the term of the contract without the consent of the commission. Any person, firm or corporation violating the provisions of this section shall be punished by a fine of not more than one thousand dollars for each offense.

Investigation of Accidents.

Sec. 35. Commission shall investigate accidents; reports of accidents to be filed under rules of commission. 1913, c. 129, § 33. In the event of an accident resulting in the loss of human life occurring upon the premises of any public utility, or directly or indirectly arising from or connected with its maintenance or operation, the commission shall cause an investi-

gation thereof to be made forthwith, and in the event of any such accident resulting in personal injury or damage to property the commission may make such investigation if in its judgment the public interest requires it, which investigation shall be held in the locality of the accident, unless for the greater convenience of those concerned it shall order such investigation to be held at some other place; such investigation may adjourn from place to place as may be found necessary and convenient. The commission shall seasonably notify the public utility of the time and place of the investigation, and such public utility may then be heard; and the commission shall have power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable. Every public utility is hereby required to file with the commission under such rules and regulations as the commission may prescribe, reports of accidents so occurring, in the manner and form designated by the commission; provided, however, that in case of accidents resulting in loss of human life, such report shall be made immediately by telephone or telegraph followed by a detailed written report; provided that neither the order nor recommendation of the commission nor any accident report filed with the commission shall be admitted as evidence in any action for damages based on or arising out of the loss of life or injury to person or property in this section referred to.

Physical Valuation.

Sec. 36. Commission to ascertain value of property of any public utility. 1913, c. 129, § 34. The commission shall fix a reasonable value upon all the property of any public utility used or required to be used in its service to the public within the state whenever it deems a valuation thereof to be necessary for the fixing of fair and reasonable rates, tolls and charges; and in making such valuation they may avail themselves of any reports, records or other information available to them in the office of any state officer or board.

Approval of Stocks, Bonds and Notes.

Sec. 37. Authorization of issue of stocks, bonds and notes by public utilities. 1913, c. 129, § 35; c. 216. 1915, c. 347, § 6. Any public utility now organized and existing, and doing business in the state or hereafter incorporated under and by virtue of the laws of the State of Maine may issue stocks, bonds, which may be secured by mortgages of its property, franchises or otherwise, notes or other evidences of indebtedness payable at periods of more than twelve months after the date thereof, when necessary for the acquisition of property to be used for the purpose of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for such other purposes as may be authorized by law; provided and not otherwise, that upon written application, setting forth such information as the commission may require, there shall have been secured from the commission an order authorizing such issue and the amount thereof and stating that in the opinion of the commission the sum of the capital to be secured

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by the issue of said stocks, bonds, notes or other evidences of indebtedness is required in good faith for purposes enumerated in this section; but the provisions of this chapter shall not apply to any stocks or bonds or other evidences of indebtedness heretofore lawfully authorized and issued; provided, however, that the commission may at the request of any public utility approve the issue of any stocks or bonds heretofore authorized but not issued. For the purpose of enabling the commission to determine whether it shall issue such an order, the commission shall make such inquiries for investigation, hold such hearings and examine such witnesses, books, papers, documents or contracts as it may deem of importance in enabling it to reach a determination. No order of the commission authorizing the issue of any stocks, bonds, notes, or other evidences of indebtedness shall limit or restrict the powers of the commission in determining and fixing any rate, fare, toll, charge, classification schedule, or joint rate as provided in this chapter; provided, however, that no public utility shall be required to apply to the commission for authority to issue stocks, bonds, notes or other evidences of indebtedness for the acquisition of property, for the purposes of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or the improvement or maintenance of its service outside the state, and this proviso shall apply also to the following section.

Sec. 38. Conditions under which public utility may issue stocks, bonds and notes. 1913, c. 129, § 36. No public utility shall issue any stocks, bonds, notes or other evidences of indebtedness unless payable within one year from date thereof, for money, property or services in payment for the same, either directly or indirectly, until there shall have been recorded upon the books of such public utility the order of the commission as herein provided; and no indebtedness shall in whole or in part, directly or indirectly, be refunded by any issue of stocks or bonds or by any other evidence of indebtedness running for more than twelve months, without the consent of the commission.

Sec. 39. Decrease of capital stock or stock, bond or scrip dividend, without approval, forbidden. 1913, c. 129, § 37. 1915, c. 347, § 5. No public utility shall decrease its capital stock or declare any stock, bond or scrip dividend or divide the proceeds of the sale of its own or any stock, bond or scrip among stockholders without the consent of the commission.

Authorization of Leases, Consolidations, and Mortgages.

Sec. 40. Public utilities shall not sell, lease or mortgage without authority of commission, nor acquire stock of other public utilities. 1913, c. 129, § 38. No public utility shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its property necessary or useful in the performance of its duties to the public, or any franchise or permit, or any right thereunder, nor by any means whatsoever, direct or indirect, merge or consolidate its property, franchises or permits or any part thereof with any other public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or con-

solidation made other than in accordance with the order of the commission authorizing the same shall be void. The sale, lease, assignment, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit or to waive any forfeiture. Nothing in this section contained shall be construed to prevent the sale, lease or other disposition by any public utility of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not necessary or useful in the performance of its duties to the public, as to any purchaser of such property in good faith for value. Nothing in this section shall apply to property, franchises, permits or rights of any utility owned and operated exclusively outside this state. No public utility shall hereafter purchase or acquire, take or hold any part of the capital stock of any other public utility organized or existing under or by virtue of the laws of this state without having been first authorized to do so by the commission. Every assignment, transfer, contract or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this section shall be void and of no effect; and no such transfer shall be made on the books of any public utility. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired or to prevent the acquiring of additional stock by a public utility which now owns a majority of the stock of such other utility.

Physical Connections.

Sec. 41. Commission may order physical connection of telephone and telegraph lines, and joint rates. 1913, c. 129, § 39. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that a physical connection can reasonably be made between the lines of two or more telephone companies or two or more telegraph companies whose lines can be made to form a continuous line of communication, by the construction and maintenance of suitable connections, for the transfer of messages or conversations, and that public convenience and necessity will be subserved thereby, or shall find that two or more telegraph or telephone companies have failed to establish joint rates, tolls or charges for service by or over their said lines, and that joint rates, tolls or charges ought to be established, the commission may, by its order, require that such connection be made, except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city or town, and that conversations be transmitted and messages transferred over such connection under such rules and regulations as the commission may establish, and prescribe through lines and joint rates, tolls and charges to be made, and to be used, observed and enforced in the future. If such telephone or telegraph companies do not agree upon the division between them of the cost of such physical connection or connections or the division of the joint rates, tolls

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or charges established by the commission over such through lines, the commission shall have authority, after further hearing, to establish such division by supplemental order.

Sec. 42. Commission may order joint use of equipment by public utilities. 1913, c. 129, § 40. Whenever the commission, after a hearing had upon its own motion or upon complaint of a public utility affected, shall find that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes or other equipment, or any part thereof, on, over or under any street or highway, and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment, or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the commission may by order direct that such use be permitted, and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner or other users, of such conduits, subways, tracks, wires, poles, pipes or other equipment for such damage as may result therefrom to the property of such owner or other users thereof.

Procedure.

Sec. 43. Complaints against public utilities. 1913, c. 129, § 41. Upon written complaint made against any public utility by ten persons, firms, corporations or associations aggrieved, that any of the rates, tolls, charges or schedules or any joint rate or rates of any public utility are in any respect unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act of said public utility is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission, being satisfied that the petitioners are responsible and that a hearing is expedient, shall proceed with or without notice, to make an investigation thereof. But no order affecting said rates, tolls, charges, schedules, regulations, measurements, practices or acts complained of shall be entered by the commission without a formal public hearing.

Sec. 44. Notice of complaint to public utility. 1913, c. 129, § 42. The commission immediately upon the filing of such complaint shall notify in writing the public utility complained of that a complaint has been made, and of the nature thereof; and if at the expiration of ten days therefrom such public utility shall not have removed the cause of complaint to the satisfaction of the commission, said commission shall proceed to set a time and place for a hearing as hereinafter provided.

Sec. 45. Notice to public utility of public hearing. 1913, c. 129, § 43. The commission shall give the public utility and the complainants at least ten days' notice of the time and place when and where such formal public hearing will be held. Both the public utility and the complainants shall be entitled to be heard and have process to enforce the attendance of witnesses as in civil actions in the supreme judicial court.

Sec. 46. Decision by commission. 1913, c. 129, § 44. If upon such formal public hearing the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of the provisions of this chapter, the commission shall have power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just or reasonable. If upon such public hearing it shall be found that any regulation, measurement, practice, act or service complained of as unjust, unreasonable, insufficient, or unjustly discriminatory or otherwise in violation of any of the provisions of this chapter or if it be found that any service is inadequate or that any reasonable service cannot be obtained, the commission shall have power to establish and substitute therefor such other regulations, measurements, practice, service or acts, and to make such order respecting and such changes in such regulations, measurements, practice, service and acts as shall be just and reasonable.

Sec. 47. Public utility shall conform to decision; copies to be furnished by clerk. 1913, c. 129, § 45. Every public utility to which such order applies shall make such changes in its schedules on file as may be necessary to make the same conform to said order; and no change thereafter shall be made by any public utility in any such rates, tolls or charges or in any joint rate or rates without the approval of the commission. Copies of all orders of the commission, certified by the clerk, shall be delivered to the public utility affected thereby and the same shall take effect within such time thereafter as the commission shall prescribe.

Sec. 48. Commission may investigate on its own motion; notice to public utility. 1913, c. 129, § 46. Whenever the commission believes that any rate or charge is unjust or unreasonable or that any service is inadequate or cannot be obtained or that an investigation of any matter relating to any public utility should for any reason be made, it may on its own motion, summarily investigate the same with or without notice. If after making such summary investigation the commission becomes satisfied that sufficient grounds exist to warrant a formal public hearing being ordered as to matters so investigated, it shall furnish such public utility interested a written statement giving notice of the matter under investigation. Ten days after such notice has been given the commission may proceed to set a time and place for a formal public hearing as hereinbefore provided.

Sec. 49. Notice of public hearing. 1913, c. 129, § 47. Notice of the time and place of such hearing shall be given to the public utility and to such interested persons as the commission shall deem proper as provided in section forty-five of this chapter; and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the commission relative thereto; and like orders may be made in reference thereto as if such investigation had been made on complaint.

Sec. 50. Utility may make complaint. Reparation or adjustment of excessive rate authorized. 1913, c. 129, § 48. 1915, c. 347, § 7. 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 repara-

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tion 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.

Sec. 51. *Each commissioner may administer oaths, and issue necessary orders and processes.* 1913, c. 129, § 49. Each of the commissioners for the purposes mentioned in this chapter, may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, documents and testimony, punish by fine and imprisonment for contempt, and issue all processes necessary to the performance of the duties of the commission.

Sec. 52. *Witnesses and fees.* 1913, c. 129, § 50. 1915, c. 347, § 8. Each witness who shall appear before the commission by its order, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the supreme judicial court, which shall be audited and paid by the state in the same manner as other state expenses are audited and paid upon the presentation of proper vouchers approved by the commission. Provided, however, that in all investigations under section thirty-five, where the public utility is a common carrier of persons, it shall transport all witnesses over its lines free of charge under such regulations as the commission may establish; and provided, further, that there shall be deducted from the mileage allowed witnesses under this section who travel, or may travel, to and from the place of hearing on any pass or other form of free transportation, a sum equal to the fare to and from said place at the lowest published rates for single trip or return trip tickets.

Sec. 53. *Depositions.* 1913, c. 129, § 51. The commission or any party may, in any formal public hearing, use the deposition of witnesses residing within or outside the state; such depositions to be taken in the manner prescribed by law for taking depositions in civil actions in the supreme judicial court.

Sec. 54. *Record of proceedings.* 1913, c. 129, § 52. A full and complete record shall be kept of all proceedings had before the commission and of any investigation or formal public hearing and all testimony shall be taken by a stenographer to be appointed by the commission.

Sec. 55. *Questions of law may be raised on exceptions to rulings; proceedings upon agreement in supreme judicial court; decision certified to clerk of commission.* 1913, c. 129, § 53. Questions of law may be raised by alleging exceptions to the ruling of the commission on an agreed statement of facts, or on facts found by the commission, and such exceptions shall be allowed by the chairman of the commission and certified by the clerk thereof to the chief justice of the supreme judicial court with the arguments of counsel, if any have been received by him, within sixty days after such exceptions have been allowed. The party raising such questions shall, within thirty days thereafter deliver a copy of his argument to the opposing counsel, who shall within twenty days after receiving the same furnish a copy of his answer to the counsel for the moving party,

who shall in turn make reply thereto within ten days thereafter, and deliver said arguments to the clerk of the commission to be forwarded with the exceptions to the chief justice. And such questions of law shall be considered and decided by the law court as soon as may be; or if the parties so agree of record, such questions shall be certified to the next term of the law court to be entered on the docket thereof and argued and determined according to the rules of procedure in said court. The result in either case shall be certified by the clerk of the law court to the clerk of the commission; the prevailing party to recover costs.

Sec. 56. Exceptions do not stay order of the commission. 1913, c. 129, § 54. While questions of law are pending on exceptions to a ruling of the commission, as provided in the preceding section, no injunction shall issue suspending or staying any order of the commission and said exceptions shall not excuse any person or corporation from complying with and obeying any order or decision, or any requirement of any order or decision of the commission or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may order and direct.

Sec. 57. Commission may alter or amend orders. 1913, c. 129, § 55. The commission may at any time upon notice to the public utility and after opportunity to be heard as provided in section forty-five, rescind, alter or amend any order fixing any rate or rates, tolls, charges or schedules or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

Sec. 58. Burden of proof. 1913, c. 129, § 56. In all trials, actions and proceedings arising under the provisions of this chapter or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to the commission or seeking to set aside any determination, requirement, direction or order of said commission complained of as unreasonable, unjust or unlawful as the case may be. And in all original proceedings before said commission where an increase in rates, tolls, charges or schedules or joint rate or rates is complained of, the burden of proof shall be upon the public utility to show that such increase is just and reasonable.

Sec. 59. Practice and rules of evidence; service of process. 1913, c. 129, § 57. In all actions and proceedings arising under this chapter all processes shall be served and the practice and rules of evidence shall be the same as in civil actions in the supreme judicial court except as otherwise herein provided. Every sheriff or other officer empowered to execute civil processes may execute any process issued under the provisions of this chapter and shall receive such compensation therefor as may be prescribed by law for similar service.

Sec. 60. Witness not excused from testifying because of incrimination; immunity from prosecution. 1913, c. 129, § 58. No person shall be excused from testifying or from producing books, accounts and papers in any proceeding based on or growing out of the provisions of this chapter on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or to subject him to a penalty or forfeiture; and no person having so testified shall be prosecuted or sub-

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jected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; provided, however, that no person so testifying shall be exempt from prosecution or punishment for perjury.

Sec. 61. Certified copies of all orders furnished. 1913, c. 129, § 59. Upon application of any person and upon payment therefor as the commission may by rule provide, the commission shall furnish certified copies under the seal of the commission of any order made by it, which shall be evidence of the facts stated therein.

Sec. 62. Commission may temporarily suspend, alter or amend orders. 1913, c. 129, § 60. Whenever the commission shall deem it necessary in order to prevent injury to the business of any public utility or to the interest of the people, or in case of any emergency which the commission may adjudge to exist, it shall have power, temporarily, to alter, amend or, with the consent of the public utility concerned, suspend any existing rates, schedules or orders relating to or affecting any public utility. Such rates so made by the commission shall apply to one or more of the public utilities in this state or to any portion thereof as may be directed by the commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission.

Penalties.

Sec. 63. Contempt punished. 1913, c. 129, § 61. Every public utility, corporation or person failing to observe, obey or comply with any order, decision, rule, regulation, direction, demand or requirement, or any part or portion thereof, of the commission or of any commissioner shall be in contempt of the commission and shall be punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this section shall not be a bar to or affect any other remedy prescribed in this chapter, but shall be cumulative and in addition to such other remedy or remedies.

Sec. 64. Utility liable in damages in civil action. 1913, c. 129, § 62. If any public utility shall do or cause to be done or permit to be done any matter, act or thing in this chapter prohibited or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by it, such public utility shall be liable in damages to the person, association or corporation injured thereby; provided that any recovery as in this section provided, shall in no manner affect a recovery by the state of the penalty prescribed for such violation.

Sec. 65. Failure or refusal to obey orders, or to comply with the law. 1913, c. 129, § 63. Any officer, agent or employee of any public utility who shall wilfully fail or refuse to fill out and return any blanks required by this chapter, or shall wilfully fail or refuse to answer any question therein propounded, or shall knowingly or wilfully give a false answer to any such question, or shall wilfully evade the answer to any question where the fact inquired of is within his knowledge, or who shall upon proper demand, wilfully fail or refuse to exhibit to the commission or to any commissioner or to any person authorized to examine the same, any book, paper, account,

record or memorandum of such public utility which is in his possession or under his control, or who shall wilfully fail properly to use and keep his system of accounting or any part thereof as prescribed by the commission or who shall wilfully refuse to do any act or thing in connection with such system of accounting when and as directed by the commission, shall upon conviction thereof be punished by a fine not exceeding one thousand dollars for each offense. And a penalty of not more than one thousand dollars shall be recovered from the public utility for each such offense when such officer, agent or employee acted in obedience to the direction, instruction or request of such public utility or any owner or general officer thereof.

Sec. 66. Punishment when no penalty has been provided. 1913, c. 129, § 64. If any public utility shall wilfully violate any provision of this chapter or shall do any act herein prohibited or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided or shall fail or refuse to obey any lawful requirement or order made by the commission, for any such violation, failure or refusal such public utility shall forfeit and pay into the state treasury not more than one thousand dollars for each offense to be recovered in an action on the case in the name of the state. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or other person acting for or employed by any public utility acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility.

Sec. 67. Each day's violation of order, a distinct offense. 1913, c. 129, § 65. Every day during which any public utility or any officer, agent or employee thereof shall wilfully fail to observe or comply with any order of the commission or to perform any order of the commission or to perform any duty enjoined by this chapter shall constitute a separate and distinct offense.

Sec. 68. Penalty for illegal issue, or misappropriation of proceeds of sale of stocks, bonds and notes. 1913, c. 129, § 66. Any director or officer of any public utility who shall directly or indirectly issue or cause to be issued any stocks, bonds, notes or other evidences of indebtedness contrary to the provisions of this chapter, or who shall apply the proceeds from the sale thereof to any other purpose than that specified in the order of the commission, as herein provided, shall, upon conviction thereof, be imprisoned in the state prison for not less than one year nor more than ten years.

Sec. 69. False statement as to issue of stocks, bonds and notes. 1913, c. 129, § 67. Any officer, owner or agent of any public utility who shall knowingly or wilfully make any false statement to secure the issue of any stock, bond or other evidence of indebtedness, or who shall by false statement knowingly or wilfully make procure of the commission the making of the order herein provided, or issue with knowledge of such fraud, negotiate or cause to be negotiated any such stock, bond, note or other evidence of indebtedness in violation of this chapter, shall, upon conviction thereof, be fined not less than five hundred dollars or be imprisoned in the state prison for not less than one year nor more than ten years or both.

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Sec. 70. Substantial compliance with law, sufficient; no waiver of right of action. 1913, c. 129, § 68. A substantial compliance with the requirements of this chapter shall be sufficient to give effect to all rules, orders, acts and regulations of the commission and they shall not be declared inoperative, illegal or void for any omission of a technical or immaterial nature in respect thereto. This chapter shall not have the effect to release or waive any right of action by the state or by any person for any right, penalty or forfeiture which may have arisen or which may hereafter arise under any law of this state.

Sec. 71. Utility to first apply to commission for rights; application to legislature shall allege a denial by the commission. 1913, c. 129, § 69. No public utility shall apply to the legislature to grant it any right, privilege or immunity which the public utility commission has power to grant to said utility until said utility shall first have exhausted its rights in that behalf before said commission; and in making such application to the legislature said utility shall make a statement in writing, which shall accompany the proposed legislation, that it has applied to said commission for the right, privilege or immunity requested and that said commission has denied its application.

CHAPTER 56.

The Organization and Construction of Steam Railroads. Crossings and Bridges.

- Sections 1-23 Organization of Railroad Corporations.
- Sections 24-30 Acquisition of Real Estate for Purposes of the Road.
- Sections 31-40 Estimation and Payment of Damages.
- Sections 41-46 Aid by Towns in Construction of Railroad.
- Section 47 Contractors' Laborers Protected.
- Sections 48-62 Inspection and Supervision by Public Utilities Commission.
- Sections 63-78 Crossings Regulated.

Organization of Railroad Corporations.

Sec. 1. Organization of railroad companies. R. S. c. 51, § 1. Any number of persons not less than ten, a majority of whom shall be citizens of the state, may form a company for the purpose of constructing, maintaining and operating a railroad for public use in the conveyance of persons and property within the state, and for that purpose may make and sign articles of association in which shall be stated the name of the company, the gauge of the road, the places from which and to which the road is to be constructed, maintained and operated, the length of such road, as nearly as may be, and the name of each town and county in the state through which or into which it is to be made; the amount of the capital stock, which shall not be less than six thousand dollars for every mile of road proposed to be constructed of the gauge of four feet eight and a half inches, nor