

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

Sec. 67. Questions of law raised on exceptions to rulings; decision certified to clerk of commission.

And specifically shown wherein exceptant is aggrieved.

In accord with 3rd paragraph in original. See Application of Ballard, 152 Me. 158, 125 A. (2d) 861.

Judgment of commission as to public policy, etc.

In accord with original. See Application of Ballard, 152 Me. 158, 125 A. (2d) 861.

Decisions of commission on questions of fact will not be disturbed.

In accord with 1st paragraph in original. See In re Chapman, 151 Me. 68, 116 A. (2d) 130; Application of Ballard, 152 Me. 158, 125 A. (2d) 861.

In accord with 2nd paragraph in original. See In re Central Maine Power Co., 152 Me. 32, 122 A. (2d) 541.

But they must be supported by substantial evidence.

In accord with original. See In re Chapman, 151 Me. 68, 116 A. (2d) 130.

When the commission decides a case before it without evidence, or on inadmis-

sible evidence, or improperly interprets the evidence before it, then the question becomes one of law. In re Chapman, 151 Me. 68, 116 A. (2d) 130.

And the record of testimony must contain such evidence.

Whether, on the record, any factual finding, underlying order and requirement, is warranted by law, is a question of law, reviewable on exceptions. Hamilton v. Caribou, etc., Co., 121 Me. 422, 117 A. 582; Application of Ballard, 152 Me. 158, 125 A. (2d) 861.

Commission has duty to set forth facts on which its order is based.—It is clearly the duty of the commission under this section at least, if requested by any of the interested parties, to set forth in its orders and decrees the facts on which its order is based, otherwise the remedy provided by the statute for any erroneous rulings of law may be rendered futile. In re Central Maine Power Co., 152 Me. 32, 122 A. (2d) 541.

Sec. 71. Burden of proof.

Applied in Central Maine Power Co. v. Public Utilities Comm., 150 Me. 257, 109 A. (2d) 512.

Chapter 45.

Steam Railroads—Organization and Construction.

Section 80. Minimum Distance for Clearance.

Minimum Distance for Clearance.

Sec. 80. Minimum distance for clearance.—The public utilities commission shall have the right to prescribe a minimum distance for clearance of any structure, pole or other object over or beside any railroad track; provided, however, that the provisions of this section shall not apply to any structure, pole or other object in existence over or beside any railroad track on or before September 1, 1955. (1955, c. 259.)

Chapter 46.

Steam Railroads—Management and Operation.

Sections 60 to 98-A. Safety Provisions.

Safety Provisions.

Sec. 75-A. Walks and handrails on railroad bridges.—The public utilities commission shall have the right, upon complaint and after hearing, to