

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 6
Titles 33 to 39



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
Copyright © 1964
by
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

TITLE 35

PUBLIC UTILITIES AND CARRIERS

Part	Chap.
1. Public Utilities Commission	1
2. Railroads	51
3. Motor Vehicles for Hire	91
4. Inland Steamers	131
5. Public Utilities	171
6. Rural Electrification Cooperatives	221
7. Water and Water Districts	261

PART 1

PUBLIC UTILITIES COMMISSION

Chap.	Sec.
1. Appointment, General Powers and Duties	1
3. Rates of Public Utilities; Accounting	51
5. Regulation and Control of Public Utilities	101
7. Investigation of Accidents	141
9. Approval of Stocks, Bonds and Notes by Public Utilities ...	171
11. Authorization of Leases, Consolidations and Mortgages	211
13. Physical Connections	251
15. Procedure	291
17. Liability and Penalties	351

CHAPTER 1

APPOINTMENT, GENERAL POWERS AND DUTIES

Sec.
1. Members; terms; vacancies; seal; clerks; office and equip- ment; salary; expenses.
2. Conflicts of interest.
3. Rules and regulations; assistance.
4. Investigations of public utilities.

Sec.

5. Inspections of books and papers; confidential character of information; penalty.
6. Information to be furnished.
7. Production of books and records; failure to obey.
8. Violations and penalties; duties of Attorney General and county attorneys; actions.
9. Collection of water resources information.
10. Conferences with United States Geographical Survey.
11. Plans for proposed dams.
12. Inclusion of information relating to water power and resources and proposed dams in biennial report.
13. Filing, with commission, plans for construction or improvement of water systems.
14. Removal of ice dams.
15. Definitions.

§ 1. Members; terms; vacancies; seal; clerks; office and equipment; salary; expenses

The Public Utilities Commission, as heretofore established, shall consist of 3 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 7 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. The commission shall appoint a clerk and a director of transportation. It shall appoint, with the approval of the Attorney General, a general counsel. It shall appoint, subject to the Personnel Law, an assistant clerk. 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 clerk shall have authority to certify to all official acts of the commission, administer oaths, issue subpoenas and issue all processes, notices, orders or other documents necessary to the performance of the duties of the commission. 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.

The chairman shall receive a salary of \$12,500 per year, and the other commissioners a salary of \$11,500 each per year. The salary of the clerk, the director of transportation and the general counsel shall be left to the discretion of the commission, subject to the approval of the Governor and Council. The salary of the other subordinate officials and employees of said commission shall be subject to the Personnel Law. The commissioners and all employees shall receive actual expenses when traveling on official business.

R.S.1954, c. 44, § 1; 1957, c. 418, § 16; 1959, c. 361, § 12; 1963, cc. 125, 387.

§ 2. Conflicts of interest

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 defined in section 15, operating within this State, 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 civil office of profit or trust under the Government of the United States or of this State except the office of Coordinator of Atomic Development Activities or the office of justice of the peace or notary public, nor shall he serve on or under any committee of any political party. Any willful violation of chapters 1 to 17 by any commissioner shall constitute sufficient cause for his removal by the Governor with the advice and consent of the Council.

R.S.1954, c. 44, § 2; 1955, c. 105, § 2.

§ 3. Rules and regulations; assistance

The commission may make all necessary rules and regulations and may employ such expert, professional or other assistance as is necessary in making investigations or in otherwise carrying out chapters 1 to 17.

R.S.1954, c. 44, § 3.

§ 4. Investigations of public utilities

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.

Every public utility within the State shall furnish all reasonable facilities to the commission for the prompt and faithful discharge of its duties.

R.S.1954, c. 44, § 4.

§ 5. Inspections of books and papers; confidential character of information; penalty

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 anyone except to the commission or under direction of the commission. Any person violating this section shall be punished by a fine of not more than \$1,000 and by imprisonment for not more than 11 months.

R.S.1954, c. 44, § 5.

§ 6. Information to be furnished

Every public utility shall furnish the commission with all information necessary to carry into effect chapters 1 to 17. 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.

R.S.1954, c. 44, § 6.

§ 7. Production of books and records; failure to obey

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 Superior 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, 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 of not less than \$50 nor more than \$500, to be recovered by the State in a civil action, which may be instituted by the commission in the name of the State.

R.S.1954, c. 44, § 7; 1961, c. 317, § 91.

§ 8. Violations and penalties; duties of Attorney General and county attorneys; actions

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 chapters 1 to 17 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 chapters 1 to 17, and shall institute and prosecute all necessary actions or proceedings for the enforcement of chapters 1 to 17 and of all other laws of this State relating to public utilities and to the punishment of all violations thereof. Any forfeiture or penalty shall be recovered and suit therefor be brought in the name of the State in the Superior 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.

R.S.1954, c. 44, § 8.

§ 9. Collection of water resources information

The commission shall collect information relating to the water resources 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, underground storage reservoirs and such other hydrologic 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 utilizing the water resources of the State.

R.S.1954, c. 44, § 9; 1959, c. 97.

§ 10. Conferences with United States Geological Survey

The commission may confer with the director or the representative of the United States Geological Survey and accept its cooperation in the prosecution of hydrologic and geological surveys, and the preparation of a contour topographic survey and map of the State.

R.S.1954, c. 44, § 10; 1957, c. 369, § 1.

§ 11. Plans for proposed dams

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. 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.

R.S.1954, c. 44, § 11.

§ 12. Inclusion of information relating to water power and resources and proposed dams in biennial report

The commission shall publish in its biennial report an account of its operations and include such data as it may deem advisable bearing on the water powers and water resources of the State; and may report 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 may report so far as its investigations will permit on the development of the water pow-

ers 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.

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 headwaters of any river or watercourse, 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 watercourse. It 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.

R.S.1954, c. 44, § 12.

§ 13. Filing, with commission, plans for construction or improvement of water systems

All municipalities, persons, corporations and water districts, before commencing construction of any new water system or any major addition to or alteration of an existing water system, shall file with the commission, in accordance with rules and regulations to be issued by it, and to the extent required by such rules and regulations, plans and specifications for such construction, additions or alteration for the advice of the commission as to cost, method of financing and adherence to proper engineering standards.

R.S.1954, c. 44, § 13; 1955, c. 298; 1957, c. 295.

§ 14. Removal of ice dams

Whenever, upon application of a municipality, county, state department or agency, private person or corporation, it appears to the satisfaction of the commission that accumulations of ice or debris in the bed of any river or stream above tidewater threaten substantial damage to public or private property, highways or bridges, the commission may grant to the applicant permission to abate the same under the direction of the commission, and subject to such conditions as it shall impose.

R.S.1954, c. 44, § 14.

§ 15. Definitions

Wherever used or referred to in chapters 1 to 17, unless a different meaning clearly appears from the context:

1. Commission. "Commission" means the Public Utilities Commission.

2. Commissioner. "Commissioner" means one of the members of the commission.

3. Common carrier. "Common carrier" includes every railroad company, express company, dispatch, sleeping car, dining car, drawing-room car, 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.

1961, c. 395, § 23.

4. Corporation. "Corporation" includes municipal and quasi-municipal corporations.

5. Electrical company. "Electrical company" 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.

6. Electric plant. "Electric plant" 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.

7. Express company. "Express company" includes every corporation or person, their lessees, trustees, receivers or trus-

tees 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.

8. Gas company. "Gas company" 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.

9. Gas plant. "Gas plant" 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.

10. Natural gas pipeline company. "Natural gas pipeline company" includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning or operating for compensation within this State any pipeline, including pumping stations, storage depots and other facilities, for the transportation, distribution or sale of natural gas.

1955, c. 127, § 2.

11. Person. "Person" includes an individual, a copartnership and a voluntary association.

12. Public heating company. "Public heating company" includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing a plant for the purpose of selling heat to the general public, but shall not include any of the aforesaid corporations, persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever who sells heat to a limited number of individuals or corporations not in excess of 75,000 square feet of direct radiation or its equivalent.

13. Public utility. "Public utility" includes every common carrier, gas company, natural gas pipeline company, electrical company, telephone company, telegraph company, water company, public heating company, wharfinger and warehouseman, as those terms are defined in this section, and each thereof is declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission, and to chapters 1 to 17.

1955, c. 127, § 1.

14. Railroad. "Railroad" includes every commercial, interurban and other railway 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.

1963, c. 414, § 17.

15. Railroad company. "Railroad company" 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.

16. Steam railroad or steam railroad company. "Steam railroad" or "steam railroad company" as used in chapters 1 to 55 shall be construed to mean any railroad or terminal company, however chartered, using steam as its motive power or using Diesel engines; and the term "electric railroad" or "electric railroad company" shall be construed to mean any railroad or terminal company using electricity as its motive power.

17. Telegraph company. "Telegraph company" includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telegraph line for compensation within this State.

18. Telegraph line. "Telegraph line" 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.

19. Telephone company. "Telephone company" 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.

20. Telephone line. "Telephone line" includes all conduits, ducts, poles, wires, cables, instruments and appliances and all other real estate, fixtures and personal property owned, con-

trolled, 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.

21. Transportation of persons. "Transportation of persons" 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.

22. Transportation of property. "Transportation of property" 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.

23. Vessel. "Vessel" includes every steamboat or boat powered by Diesel engines which is owned, controlled, operated or managed for public use in the transportation of persons or property for compensation within this State.

1955, c. 43.

24. Warehouseman. "Warehouseman" 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.

25. Water company. "Water company" 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.

26. Water works. "Water works" 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.

27. Wharfinger. "Wharfinger" 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.

R.S.1954, c. 44, § 16; 1955, c. 43; c. 127, §§ 1, 2; 1957, c. 85, § 2; 1961, c. 395, § 23; c. 417, § 132; 1963, c. 414, § 17.