

MAINE STATE LEGISLATURE

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CHAPTER 3

RATES OF PUBLIC UTILITIES; ACCOUNTING

Sec.

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§ 51. Safe facilities; just and reasonable rates

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 just and reasonable. In determining just and reasonable rates, the commission shall provide such revenues to the utility as may be required to perform its public service and to attract necessary capital on just and reasonable terms. Every unjust or unreasonable charge for such service is prohibited and declared unlawful.

R.S.1954, c. 44, § 17; 1957, c. 400, § 1.

§ 52. Valuation of property for fixing rates

In determining reasonable and just rates, tolls and charges, 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 and a fair return thereon. In fixing such reasonable value, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use, prudent acquisition cost to the utility, less depreciation on each, and any other factors or evidence material and relevant thereto, but such other factors shall not include current value. In making such valuation, the commission may avail itself of any reports, records or other information available to it in the office of any state officer or board.

R.S.1954, c. 44, § 18; 1957, c. 400, § 2.

§ 53. Uniform system of accounts

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.

R.S.1954, c. 44, § 19.

§ 54. Account of subsidiary business

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 chapters 1 to 17 shall apply with like force and effect to the books, accounts, papers and records of such other business.

R.S.1954, c. 44, § 20.

§ 55. Form of books and records

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. 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 chapters 1 to 17 may be served, and shall file a copy of such appointment with the clerk of the commission.

R.S.1954, c. 44, § 21.

§ 56. Blanks furnished

The commission shall cause suitable blanks to be prepared for carrying out the purposes of chapters 1 to 17 and shall, when necessary, furnish such blanks to each public utility.

R.S.1954, c. 44, § 22.

§ 57. Other systems prohibited

No public utility shall keep any other books, accounts, papers or records of its business transacted than those prescribed or approved by the commission. Nothing contained in chapters 1 to 17 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.

R.S.1954, c. 44, § 23.

§ 58. Time for closing accounts; filing balance sheets

The accounts of all public utilities shall be closed annually on the 31st day of December unless a different date is fixed by the commission, and a balance sheet of that date, or of the date so fixed, promptly taken therefrom. Within 3 months after said date, or the date so fixed, 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. Said commission may for good and sufficient cause extend said time for any public utility not exceeding one month and may, in its discretion, excuse any public utility from filing such returns when the gross revenue of such utility does not exceed the sum of \$1,000.

R.S.1954, c. 44, § 24; 1963, c. 40.

§ 59. Audit of accounts

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.

R.S.1954, c. 44, § 25.

§ 60. Inspection of books and records

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.

R.S.1954, c. 44, § 26.

§ 61. Filing of rate schedule and rules and regulations

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. 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.

R.S.1954, c. 44, § 27.

§ 62. Public inspection of rates

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.

R.S.1954, c. 44, § 28.

§ 63. Schedule of joint rates

Where a schedule of joint rates or charges is or may be in force between 2 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 62.

R.S.1954, c. 44, § 29.

§ 64. Changes in rates; notice

No change shall be made in any schedule, including schedules of joint rates, except upon 30 days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules by filing new schedules in lieu thereof 30 days prior to the time the same are to take effect. The commission may, in its discretion and for good cause shown, allow changes upon less than the notice specified, or modify the requirements of this section and section 65 in respect to publishing, posting and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

R.S.1954, c. 44, § 30.

§ 65. Filing of new schedules

Copies of all new schedules shall be filed in every station and office of such public utility, where payments are made by customers or users 30 days prior to the time the same are to take effect, unless the commission shall prescribe a less time as provided in section 64.

R.S.1954, c. 44, § 31.

§ 66. Adherence to rate schedules; rates on through shipments over connecting lines; change in form of schedules

It shall be unlawful for any public utility to charge, demand, collect or receive a greater or less compensation, except as otherwise provided in section 103, 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. The total charges for through shipments over connecting lines of common carriers shall not exceed the combination of intermediate charges over the several lines between the 2 terminals of the shipment for the same commodity under the most favorable terms prescribed in the printed schedules of the connecting

common carriers, and no carrier shall refuse to consign through to destination in this State, and no connecting carrier shall refuse to receive and transport on the combination of such intermediate charges 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 chapters 1 to 17. 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.

R.S.1954, c. 44, § 32.

§ 67. Joint rates for connecting railroads; establishment by railroads

The commission may, after hearing, on a complaint or upon its own motion without complaint, require any 2 or more railroads operated by steam whose lines form a continuous line of transportation, or could be made reasonably to do so by the construction and maintenance of switch connection or interchange track at connecting points, to establish through routes and joint rates, fares, charges and classifications for the transportation of property or passengers, provided there is no reasonable existing through route between the places it is desired to serve.

R.S.1954, c. 44, § 33.

§ 68. —Prescription by commission

On failure of such railroads to establish joint rates, fares, charges or classifications, as provided in section 67, the commission may, in the same proceeding, or in a separate proceeding involving rates, fares, charges or classifications, prescribe joint rates, fares, charges and classifications as the maximum to be exacted for the transportation by them of property or passengers, and if such companies cannot agree as to the division of rates, fares or the conditions under which such through routes or transportation shall be established or such cars or other equipment operated, the commission may, after due hearing, determine and prescribe the proportionate portions of such through rates, fares or charges payable to each of such companies necessary to the establishment of such through routes or transportation and the conditions under which such through routes or transportation shall be established, or the conditions under which such cars or other equipment shall be operated.

R.S.1954, c. 44, § 34.

§ 69. Public hearings to investigate proposed changes in rates of public utilities; suspension pending hearing

Whenever the commission receives notice of any change or changes proposed to be made in any schedule of rates filed with said commission under the provisions of law, it shall have power at any time before the effective date of such change or changes, either upon complaint or upon its own motion and after reasonable notice, to hold a public hearing and make investigation as to the propriety of such proposed change or changes. At any such hearing involving any change or changes as above specified, the burden of proof to show that such change is reasonable shall be upon the public utility. After such hearing and investigation, the commission may make such order with reference to any new rate, joint rate, fare, rental, toll, classification, charge, rule, regulation or form of contract or agreement proposed as would be proper in a proceeding initiated upon complaint or upon motion of the commission in any rate investigation.

Pending such investigation and order, the commission may at any time within said period preceding the effective date of any such schedule, by filing with such schedule and delivering to the public utility affected thereby a statement of its reasons for said suspension, suspend the operation of such schedule or any part thereof, but not for a longer period than 3 months from the date of said order of suspension. If said investigation cannot be concluded within said period of 3 months, said commission may in its discretion extend the time of suspension for a further period of 5 months. Nothing in this section shall apply to any schedule filed with the commission and proposing any change or changes in any new rate, joint rate, fare, rental, toll, classification, charge, rule, regulation or form of contract or agreement affecting the transportation of freight.

R.S.1954, c. 44, § 35.

§ 70. Hearings on proposed changes in freight rates; Interstate Commerce Commission

Whenever the commission receives notice of any change or changes proposed to be made in any schedule of new rates, joint rates, fares, rentals, tolls, classifications, charges, rules, regulations or forms of contract or agreement affecting the transportation of freight, and filed with said commission under the law, said commission shall have power at any time within 30 days after the effective date of such change or changes, either upon com-

plaint or upon its own motion and after reasonable notice, to hold a public hearing and make investigation as to the propriety of such proposed change or changes.

At any such hearing involving any such change or changes, the burden of proof to show that such change is reasonable shall be upon the common carrier. After such hearing and investigation, the commission may make such order, within a period of 8 months after the effective date of the schedule, setting forth such change or changes with reference to any proposed new rate, joint rate, fare, rental, toll, classification, charge, rule, regulation or form of contract or agreement proposed as would be proper under existing law in a proceeding initiated upon complaint or upon motion of the commission in any rate investigation. In cases involving an increase in an existing rate, joint rate, toll, fare, rental or charge affecting the transportation of freight, if the commission shall find that such increase is unreasonable it may, by proper order, determine and fix the maximum rate, joint rate, toll, fare, rental or charge which may thereafter be collected for the service rendered, and no rate, joint rate, toll, fare, rental or charge affecting the transportation of freight in excess thereof shall be filed within a period of one year after the making of such order. The commission, by proper order, may require the common carrier which has filed any such increased rate, joint rate, toll, fare, rental or charge affecting the transportation of freight to refund, in such manner and under such conditions as may be prescribed by the commission, to all persons from whom charges have been collected by virtue of the schedules under investigation, any and all sums collected in excess of the rate, joint rate, toll, fare, rental or charge affecting the transportation of freight so determined and fixed by the commission as being the maximum rate, joint rate, toll, fare, rental or charge to be collected, and may require due report of the refund so made. Whenever any carrier shall file with the commission, and with the Interstate Commerce Commission, a tariff containing both intrastate rates and interstate rates on the same commodity, and prior to the effective date thereof the interstate rates are suspended by the Interstate Commerce Commission, then the commission shall have power to suspend, at any time within 10 days after the date of the suspension order issued by the Interstate Commerce Commission, the proposed intrastate rates, and such suspension may be kept in full force and effect so long as the interstate rates shall continue under suspension with a reasonable time thereafter for preparation of and issue of decision. The commission may, with the consent of the Governor and Council, hold joint hearings with

the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to regulate commerce and applicable amendments.

R.S.1954, c. 44, § 36; 1959, c. 174.

§ 71. Comprehensive classification of service

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.

R.S.1954, c. 44, § 37.