

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SECOND LEGISLATURE

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**Legislative Document**

**No. 951**

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H. P. 713

House of Representatives, February 3, 1965

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Pike of Lubec.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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### AN ACT Changing the Designation of Clerk of the Public Utilities Commission to Secretary of the Commission.

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

**Sec. 1. R. S., T. 35, § 1, amended.** The first paragraph of section 1 of Title 35 of the Revised Statutes is amended to read as follows:

'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~~ **secretary** 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~~ **secretary**. The ~~clerk~~ **secretary** 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~~ **secretary** shall assist the ~~clerk~~ **secretary** in the performance of his duties, and in the absence of the ~~clerk~~ **secretary** shall have the same powers as the ~~clerk~~ **secretary**. The ~~clerk~~ **secretary** 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.'

**Sec. 2. R. S., T. 35, § 55, amended.** The last sentence of section 55 of Title 35 of the Revised Statutes is amended to read as follows:

'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~~ **secretary** of the commission.'

**Sec. 3. R. S., T. 35, § 303, amended.** The 2nd and 3rd sentences of section 303 of Title 35 of the Revised Statutes are amended to read as follows:

'Wherever a statute or rule regulating the taking of an appeal from the Superior Court in a civil action uses the term "the court," the "clerk," the "clerk of courts," or a similar term, they shall for purposes of an appeal from the commission be read, respectively, as "the commission," "the ~~clerk~~ **secretary** of the commission," or other appropriate term. The result shall be certified by the clerk of the law court to the ~~clerk~~ **secretary** of the commission and to the clerk of the Superior Court for Kennebec County, the prevailing party to recover costs to be taxed by said Superior Court in accordance with the law for the taxation of costs on appeal in civil actions.'

**Sec. 4. R. S., T. 35, § 305, amended.** The 4th sentence of section 305 of Title 35 of the Revised Statutes is amended to read as follows:

'Such complaint shall be filed with the clerk of the law court and a copy thereof with the ~~clerk~~ **secretary** of the commission, both within 30 days after the date of the said ruling or order or within such further time as the court may allow, together with a certificate that the attorney for the plaintiff is of opinion that there is such probable ground for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for delay.'

**Sec. 5. R. S., T. 35, § 652, amended.** The 5th sentence of section 652 of Title 35 of the Revised Statutes is amended to read as follows:

'If they find that any of it is so necessary, they shall make a certificate containing a definite description thereof and furnish the corporation with a true copy thereof, attested by the ~~clerk~~ **secretary** of the commission.'

**Sec. 6. R. S., T. 35, § 772, amended.** The 2nd sentence of section 772 of Title 35 of the Revised Statutes is amended to read as follows:

'A copy of said certificate, attested by the ~~clerk~~ **secretary** of the commission, shall be furnished the corporation operating said railroad.'