

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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SENATE.

No. 5.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE.

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AN ACT to regulate railroad fares and freight charges and duties and salary of Railroad Commissioner.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECT. 1. The term "Rail-Road-Company" contained in  
2 this act shall be deemed and taken to mean all corpora-  
3 tions, companies or individuals owning or operating any  
4 railroad in this State.

SECT. 11. No railroad company shall charge or receive  
2 a rate in excess of three cents a mile for the transporta-  
3 tion of any passenger over twelve years of age upon any  
4 railroad in this State, nor in excess of half that sum a  
5 mile for the transportation of any passenger of the age  
6 of twelve years or under. Each passenger over twelve  
7 years of age paying fare, shall be entitled to have trans-  
8 ported without any additional charge, baggage not exceed-  
9 ing two hundred pounds in weight, and each passenger of

10 twelve years of age or under, shall be entitled to have  
11 transported without additional charge, baggage not ex-  
12 ceeding one hundred pounds in weight; and no railroad  
13 company shall charge a greater rate per mile for any  
14 millage, excursion or commutation ticket than it charged  
15 at any time during the year A. D. 1888 for a similar  
16 ticket, and each passenger entitled to a passage upon any  
17 railroad in this State upon any such millage, excursion or  
18 commutation ticket shall be entitled to the transportation  
19 of baggage without additional charge to an amount equal  
20 to that transported by any such railroad company at any  
21 time during the year A. D. 1888 on a similar ticket. And  
22 any such railroad company is hereby required to issue  
23 and sell millage, excursion and commutation tickets for  
24 the transportation of passengers over its railroad in this  
25 State the same as heretofore issued by any such railroad  
26 company during the year A. D. 1888; but any such rail-  
27 road company may change the form of any such millage,  
28 excursion or commutation ticket as shall best suit its con-  
29 venience, but not to increase the price per mile charged  
30 by any such railroad company during the year 1888 A. D.,  
31 for any such ticket for the same number of miles or trips.  
32 *Provided*, also, that nothing herein shall prevent any  
33 railroad company from giving passes over its railroad to  
34 any member of the legislature, or any State, county or  
35 municipal officer, or to any judge of the supreme judicial  
36 or other court of this State or other person, but any such  
37 officer receiving a pass free of charge from any such rail-  
38 road company shall not be biased, prejudiced or under  
39 any obligation whatever to said railroad company by  
40 reason of having received and used the same.

SECT. 3. All charges made by any railroad company for  
2 any service rendered or to be rendered for the transporta-  
3 tion of passengers or property in this State, over any  
4 railroad in this State, or for the receiving, delivering,  
5 storage or handling of such property shall be *just* and  
6 *reasonable*; and every *unjust* and *unreasonable charge* for  
7 such service is prohibited and declared to be unlawful.

SECT. 4. That if any railroad company subject to the  
2 provisions of this act, shall, directly or indirectly, by any  
3 special rate, rebate, drawback, or other device, charge,  
4 demand, collect or receive from any persons or person a  
5 greater or less compensation for any service rendered or to  
6 be rendered in the transportation of passengers or prop-  
7 erty, subject to the provisions of this act, than it charges,  
8 demands, collects or receives from any other person or  
9 persons for doing for him or them, a like, and contemp-  
10 oraneous service in the like kind of traffic or upon  
11 like conditions and under similar circumstances; such  
12 railroad company shall be deemed guilty of *unjust dis-*  
13 *crimination*, which is hereby prohibited and declared to  
14 be unlawful; this section, however, is not to be construed  
15 as prohibiting a less rate per hundred pounds in a car  
16 load lot than is charged, collected or received for the  
17 same kind of freight in less than a car load lot.

SECT. 5. That it shall be unlawful for any railroad  
2 company subject to the provisions of this act, to make or  
3 give any preference or advantage to any particular per-  
4 son, company, firm, corporation or locality, or any particu-  
5 lar description of traffic in any respect whatsoever, or to  
6 subject any particular person, company, firm, corporation  
7 or locality, or any particular description of traffic, to any

8 prejudice or disadvantage in any respect whatever,  
9 provided however, that nothing herein contained shall be  
10 construed to prevent any railroad company from giving  
11 preference to those localities in this State, where any such  
12 railroad company is in competition in the carriage of  
13 freight and passengers, with navigation by water to such  
14 localities.

SECT. 6. Upon any complaint in writing made as here-  
2 inafter provided, to the railroad commissioners of this  
3 State, that any unjust and unreasonable price has been  
4 charged, by any railroad company in this State or that  
5 any railroad company in this State has been guilty of  
6 an unjust discrimination, such railroad commissioners  
7 shall investigate such complaints and if sustained shall  
8 make a certificate under their seal setting forth the facts  
9 found by them, which shall be *prima facie* evidence of  
10 the matter therein stated. In all cases where complaint  
11 shall be made in accordance with the provisions of this  
12 act, that an unjust and unreasonable charge is made by  
13 any railroad company or that any railroad company has  
14 been guilty of an unjust discrimination and the railroad  
15 commissioners shall find such complaint to be true they  
16 shall require a modified charge for the service rendered  
17 such as they deem to be just and reasonable and shall  
18 certify their finding to the managing officers of the rail-  
19 road company against which complaint is made; and the  
20 rate so determined by the railroad commissioners to be  
21 just and reasonable shall be by the railroad company  
22 affected thereby, accepted and posted, in a conspicuous  
23 place in each depot on the line of its road that may be  
24 designated by said railroad commissioners; and such rates

25 so found shall, in all actions arising in any court in the  
26 State, be taken to be a just and reasonable compensation  
27 for the services for which they provide until the contrary  
28 is proven; and all compensation demanded or received  
29 by any railroad company in excess of the rates so deter-  
30 mined, shall, in any such action be taken to be unjust and  
31 unreasonable until the contrary is proven.

SECT. 7. Neither said railroad commissioners or any  
2 railroad company shall increase or decrease the charge for  
3 the transportation of freights on any railroad in this State  
4 without first giving thirty days' public notice of such change  
5 in such manner as said commissioners may determine.

SECT. 8. It shall be the duty of said railroad commis-  
2 sioners upon the complaint of the mayor and aldermen of  
3 any city or the selectmen of any town, to make an exam-  
4 ination of the rate of freight tariff charged by any rail-  
5 road company, any part of whose railroad or any part of  
6 its location lies within the limits of any such city or town.  
7 And if twenty-five or more legal voters in such city or  
8 town shall, by petition in writing, request the mayor and  
9 aldermen of such city or the selectmen of such town, to  
10 make the said complaint to said railroad commissioners,  
11 and the mayor and aldermen or selectmen refuse or de-  
12 cline to comply with the prayer of said petitioners, they  
13 shall state the reason for such non-compliance in writing  
14 upon said petition and return the same to the petitioners;  
15 and the petitioners may thereupon, within ten days from  
16 the said refusal and return, present such petition to the  
17 said railroad commissioners and said commissioners shall,  
18 if upon inquiry and hearing of the petitioners, they think  
19 that the public good demands an examination, proceed to

20 make it in the same manner as upon petition by the mayor  
21 and aldermen of any city or the selectmen of any town.  
22 Before proceeding to make such examination in accordance  
23 with said petition, said railroad commissioners shall give to  
24 the petitioners and railroad company interested reasonable  
25 notice in writing of the time and place of such examina-  
26 tion. If upon such examination it appears to such com-  
27 missioners that the complaint alleged by the applicants or  
28 petitioners is true, they shall so adjudge, and they shall  
29 then and there decide what is a just and reasonable charge  
30 for such freight, or what is an unjust discrimination, and  
31 shall inform the railroad company operating such railroad  
32 of their adjudication within ten days, and shall also report  
33 their doings to the governor in their annual report as now  
34 provided by law, and shall certify to such complainants  
35 the result of their adjudication; and such adjudication  
36 shall be *prima facie* evidence of what is a just and reas-  
37 onable charge or an unjust discrimination, in all actions  
38 brought against such railroad company concerning unjust  
39 or unreasonable charges or unjust discrimination. Any  
40 railroad company which shall violate any of the provisions  
41 of this act, shall be liable in damages for every such  
42 offence to the person, company, firm or corporation in-  
43 jured thereby, twice the actual damages sustained by said  
44 party aggrieved, together with the costs of suit and a  
45 reasonable attorney's fee to be fixed by the court, to be  
46 recovered in an action on the case, and the plaintiff may  
47 join in the same action as many different causes of action  
48 as he may have against such railroad company arising  
49 under this act.

SECT. 9. Any person who shall wilfully testify or affirm  
2 falsely to any material fact upon any oath or affirmation

3 legally administered in any cause, matter or proceeding  
4 before said railroad commissioners or upon any return or  
5 report required by this act to be made, shall be deemed  
6 guilty of perjury and shall be punished by imprisonment  
7 as now provided by law.

SECT. 10. Said railroad commissioners shall keep an  
2 actual record of all its official acts and shall also provide  
3 a seal on which shall be the impression "Railroad Com-  
4 missioners Seal, State of Maine," and all processes and  
5 certificates issued by said railroad commissioners shall be  
6 attested by said seal; copies of the records of said rail-  
7 road commissioners certified by any one of said commis-  
8 sioners or the clerk of said railroad commissioners and  
9 attested with said seal shall be received in evidence with  
10 like effect as copies of other public records.

SECT. 11. Said railroad commissioners shall have power,  
2 in the discharge of the duties of their office, to examine  
3 any of the books, papers or documents of any such rail-  
4 road company, or to examine under oath or otherwise any  
5 officer, director, agent or employe thereof, or any other  
6 person. The commissioners, or either of them, are  
7 empowered to issue subpœna and administer oaths in the  
8 same manner and with the same power to enforce obedi-  
9 ence thereto, in the performance of their said duties, as  
10 belong and pertain to courts of record in this State; and  
11 any person who may wilfully obstruct said commissioners  
12 in the performance of their duties, or who may refuse to  
13 give any information within their possession that may be  
14 required by such commissioners within the line of their  
15 duty shall be guilty of misdemeanor, and shall be liable



16 on conviction thereof, to a fine not exceeding one thou-  
17 sand dollars to be recovered by indictment.

SECT. 12. Said railroad commissioners shall receive a  
2 salary to be paid from the State treasury as other State  
3 officers are paid as provided by law, each the sum of  
4 three thousand dollars per annum, to be paid in equal  
5 quarterly payments, and a further sum not to exceed  
6 fifteen hundred dollars, to pay the salary of a clerk for  
7 said commissioner, and for necessary books, papers,  
8 stationery and other necessary incidental expenses  
9 necessary to the performance of their duties.

SECT. 13. Said railroad commissioners and their clerk  
2 shall have the right of free transportation in the  
3 performance of their duties concerning railroads on all  
4 regular railroad passenger trains in this State, and they  
5 may take with them experts or other agents whose  
6 services they may require, who shall in like manner be  
7 transported free of charge.

SECT. 14. All parts of Chapter 40 of Revised Statutes  
2 and any amendments thereto as are inconsistent with the  
3 provisions of this act are hereby repealed.

SECT. 15. This act shall take effect in sixty days after  
2 its approval by the Governor.

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## STATE OF MAINE.

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IN SENATE, January 16, 1889.

Presented by Mr. HAINES, and, on motion by same Senator, laid on  
table to be printed, pending reference to committee.

C. W. TILDEN, *Secretary.*