

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE

No. 296

STATE OF MAINE.

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

AN ACT changing the name of the Board of Railroad Commissioners to Public Service Commission and providing for the supervision of railroads, street railroad, gas plants, electric light plants, telegraph and telephone lines and express companies.

It is hereby enacted by the people of the State of Maine:

Section 1. The name of "board of railroad commissioners" is hereby changed to "public service commission" and wherever in the Public Statutes the words "board of railroad commissioners" or the words "railroads commissioners" appear, the same are hereby changed to the words "public service commission." Wherever in the Public Statutes there appear the words "railroad commission," the same

8 are hereby changed to "public service commission." And
9 wherever in the Public Statutes, referring to the board of
10 railroad commissioners, the word "board" is used the same
11 is hereby changed to the word "commission." The present
12 members of the board of railroad commissioners shall con-
13 tinue in office as public service commissioners to the expira-
14 tion of the term of their original appointment. All sections
15 of the statutes referring or relating to the board of railroad
16 commissioners and their duties, authority and power, or in
17 any way relating to the said board or the members thereof,
18 are hereby continued in force save only as amended by this
19 section.

Sect. 2. The words "company" or "companies," as used
2 in this act, shall mean and include individuals, partnerships,
3 associations, corporations and municipalities, owning or con-
4 ducting any public service business or property used in con-
5 nection therewith and covered by the provisions of this act.

Sect. 3. The public service commission shall have general
2 supervision of all companies engaged in the manufacture,
3 distribution and sale of gas or electricity for lighting or
4 heating, railroad and street railroad companies, of all ex-
5 press companies, and of all companies owning or operating
6 telegraph or telephone lines, stations or exchanges, within
7 this State, and of all plants, lines, exchanges and equipment
8 of such companies used in or about the business carried on
9 by them in this State as covered and included in this sec-
10 tion, and all companies, receivers, trustees, directors or

11 lessees, owning or operating the same, so far as may be
12 necessary to enable it to perform the duties and exercise the
13 powers conferred upon it by this act; and shall have super-
14 vision of companies engaged in the manufacture, sale and
15 distribution of power, so far as relates to their use or occu-
16 pancy of the public highway and so far as relates to fur-
17 nishing power for public use. It may, whenever it deems
18 the public good requires, examine the plants, roadbed,
19 bridges, equipment, lines, exchanges, stations and property
20 subject to its supervision under this act. Said commission
21 shall have power, so far as is necessary for the performance
22 of its duties, to examine the books, accounts and papers of
23 any company, receiver, trustee or lessee, owning or operat-
24 ing any plant, line or property subject to its supervision un-
25 der this act which in any way relate to or contain entries,
26 data, or memoranda, concerning any transaction within this
27 State or with any person residing or having a place of busi-
28 ness within this State, to subpoena witnesses, to administer
29 oaths to them, and examine them on all matters of which said
30 commission has jurisdiction, and to compel, by proceedings
31 for contempt, such witnesses to attend the sessions of said
32 commission, and to answer any proper questions, to produce
33 and exhibit to said commission the books, accounts or papers
34 of any company, receiver, trustee or lessee, owning or op-
35 erating any plant or line so subject to supervision, which in
36 any way relate to or contain entries, data or memoranda,
37 concerning any transaction within this State or with any

38 person residing or having a place of business within this
39 State, or of any other person when their examination is
40 pertinent to the matters under consideration. Witnesses
41 duly subpoenaed who refuse or neglect to appear or who
42 refuse to testify, shall be subject to the provisions and penal-
43 ties of the statutes applicable to witnesses who neglect or
44 refuse to obey subpoenas to appear and testify before courts
45 at law and in equity.

Sect. 4. The members of said commission and any person
2 in its employ and by its direction, may, during business hours,
3 enter the offices, plants, exchanges and cars, stations, or
4 upon the land or lines of any company within this State sub-
5 ject to the provisions of this act.

Sect. 5. A company owning or operating a plant, line or
2 property, subject to supervision under this act shall, at all
3 times, on request, furnish said commission all information
4 required by it concerning the condition, operation, manage-
5 ment, expense of maintenance and operation, cost of pro-
6 duction, rates charged for service or for product, contracts,
7 obligations and financial standing of such company. Said
8 commission shall not, unless required by law, give publicity
9 to such information so obtained by it except as it may be
10 necessary in reports to the general assembly or in judicial
11 proceedings.

Sect. 6. A company operating a plant, railroad or line
2 subject to supervision under this act, that refuses said com-
3 mission access to its books, accounts or papers, as far as may

4 be necessary under the provisions of this act, or fails or re-
5 fuses to furnish any returns, reports or information lawfully
6 required by said commission, or wilfully hinders, delays or
7 obstructs said commission in the discharge of the duties
8 imposed upon it, or fails, within a reasonable time, to obey
9 a final order or decree of said commission, shall be fined not
10 more than five thousand dollars nor less than five hundred
11 dollars. A person who knowingly, under oath, makes a
12 false return or statement, or who knowingly, under oath
13 when required by law, gives false information to said com-
14 mission, or who knowingly testifies falsely in any material
15 matter before said commission, shall be deemed to have
16 committed perjury and shall be punished accordingly.

Sect. 7. The superintendent or manager of any line, rail-
2 road or plant, subject to supervision under this act, shall
3 immediately after its occurrence notify said commission in
4 writing of any accident within this State upon such line,
5 railroad or plant resulting in loss of life, or injury to any
6 person which shall incapacitate him from engaging in his
7 usual vocations. Said commission shall inquire into the
8 cause of every such accident, and if, in its judgment, a pub-
9 lic investigation is necessary, it shall fix a time and place of
10 holding the same, and thereupon proceed as is now provided
11 for investigation of accidents upon railroads.

Sect. 8. Complaints concerning any claimed unlawful ac-
2 tion or neglect of those in the operation or management of
3 any railroad, plant, property or line subject to supervision

4 under the provisions of this act, may be made or com-
5 menced by the person or corporation that claims to be in-
6 jured or by the attorney general or by the State's attorney
7 of the county or by ten or more freeholders; and any such
8 person or corporation so claiming to be injured may file his
9 complaint relating thereto with the attorney general who
10 shall thereupon in person or through the State's attorney
11 of the county investigate such complaint and if sufficient
12 cause exists shall prosecute the same in the name of the
13 State.

Sect. 9. The public service commission shall have juris-
2 diction, on due notice, to hear, determine, render judgment
3 and make orders and decrees in all matters provided for in
4 the charter of any corporation owning or operating any rail-
5 road, plant, line or property, subject to supervision under this
6 act, and shall have like jurisdiction in all matters respecting:

I. The purity, quantity or quality of any product fur-
8 nished or sold by any company under supervision, as pro-
9 vided in this act, and may prescribe the equipment for and
10 standard of measurement, pressure or initial voltage of such
11 product.

II. The providing for each kind of business subject to
13 supervision under this act, suitable and convenient standard
14 commercial units of product or service, which standards shall
15 be lawful for the purposes of this act.

III. The manner of operating and conducting any busi-
17 ness subject to supervision under this act, so as to be reason-

18 able and expedient, and to promote the safety, convenience
19 and accommodation of the public.

IV. The price, toll, rate or rental charged by any com-
21 pany, subject to supervision under this act, when unreason-
22 able or in violation of law.

V. The sufficiency and maintenance of proper systems,
24 equipments, plants, conduits, appliances, wires and ex-
25 changes, and when the public safety and welfare require
26 the location of such wires or any portion thereof under-
27 ground.

VI. To restrain any company subject to supervision un-
29 der this act from violations of law, unjust discriminations,
30 usurpation or extortion.

VII. The issue of stock, mortgages, bonds or other securi-
32 ties in order to prevent over-capitalization, as hereinafter
33 provided.

Sect. 10. If, upon such investigation, the rates, tolls,
2 charges or schedules are found unjust, unreasonable, insuffi-
3 cient or unjustly discriminatory, or to be preferential or
4 otherwise in violation of a provision of this act, the com-
5 mission may order and substitute therefor such rate or rates,
6 tolls, charges or schedules, and make such changes in any
7 regulations, measurements, practices or acts of any company
8 subject to supervision under this act, relating to its service,
9 and may make such order as will compel the furnishing of
10 adequate service as shall at said hearing be found by it to
11 be just and reasonable. This section shall not be construed

12 to require the same charges, tolls or rates from any com-
13 pany subject to supervision under this act for lime service
14 in different parts of the State, but the commission in deter-
15 mining these questions shall investigate local conditions and
16 its final findings and judgment shall take cognizance thereof.

Sect. 11. Every company subject to supervision under
2 this act shall be required to furnish reasonably adequate
3 service, accommodation and facilities to the public. The
4 charge made by any such company for any product or ser-
5 vice shall be reasonable and without discrimination, except
6 as provided in this act.

Sect. 12. Any party to a cause who feels himself ag-
2 grieved by the final order, judgment or decree of said com-
3 mission, shall have the right to take the cause to the su-
4 preme court by appeal for the correction of any errors ex-
5 cepted to in its proceedings, or in the form or substance of
6 its orders, judgments and decrees on the facts found and
7 reported by said commission. In case of such an appeal
8 from the final order, judgment or decree of said commission,
9 the proceedings shall be in accordance with the provisions
10 of section 77 of chapter 51 of the Revised Statutes.

Sect. 13. Whenever it is necessary in order to meet the
2 reasonable requirements of service to the public that any
3 company owning or operating any railroad, plant or line or
4 engaged in the construction of railroad, any plant or line
5 subject to supervision under this act, that tracks, a pipe line,
6 conduits, line of poles, towers or wires cross the lands of any

7 other person or corporation and the company so requiring
8 to cross cannot agree with the owner of such lands as to the
9 necessity therefor, or compensation to be paid therefor, it
10 may petition the public service commission for such right.

Said commission shall, upon due notice to all parties in
12 interest, hear and determine the necessity therefor and the
13 compensation to be paid therefor, and render judgment ac-
14 cordingly, which judgment shall be final except as an ap-
15 peal to the supreme court is allowed from the orders or de-
16 crees of said commission.

Sect. 14. Any person or corporation aggrieved by any
2 order or decision of the municipal authorities made under
3 the provisions of any statute, relative to the granting of a
4 license or permit for location, may at any time within thirty
5 days of the date of such order or decision appeal therefrom
6 to the public service commission thereon, after notice and
7 public hearing of all parties interested, as provided in sec-
8 tion 8 of this act, shall be final, subject to a right of appeal
9 to the supreme court as herein provided.

Sect. 15. A corporation organized under the laws of this
2 State, subject to the provisions of this act, shall not increase
3 its capital stock nor issue mortgages, bonds or other securi-
4 ties except such as are payable within one year from date
5 of issue, without first securing the permission of the public
6 service commission on petition and hearing for that purpose.
7 Such corporation desiring to increase its capital stock or to
8 issue mortgages, bonds or other securities, not payable with-

9 in one year from date of issue, may petition said commission
10 for such permission, and said commission shall thereupon
11 appoint a time and place for hearing the petition. Said
12 commission shall give reasonable notice in writing by mail
13 of the time and place of hearing thereon to such petitioner,
14 the attorney general and the State's attorney of the county
15 wherein such petitioner has its principal place of business in
16 this State, and may in its discretion publish one or more
17 times a notice of the pendency of such petition and of the
18 time and place of hearing thereon in one or more newspapers
19 published in the county wherein such principal office is lo-
20 cated, and for want of such newspaper, in an adjoining
21 county. The attorney general or State's attorney of the
22 county shall represent the State in such hearing. If the com-
23 mission, after due hearing, is satisfied that such corporation
24 ought to be permitted to increase its capital stock, or to issue
25 such mortgages, bonds, or other securities, and that the same
26 is required for the proper development of the business of
27 such corporation, and that the same will be promotive of the
28 general good of the public, said commission shall then issue
29 to said corporation a certificate under its seal, stating the
30 amount of increase, manner, terms and conditions under
31 which the same may be issued. Nothing contained in this
32 act shall apply to a mortgage heretofore executed and re-
33 corded, nor to the bonds thereby secured.

Sect. 16. Any statute conferring authority upon municipi-
2 palities to supervise or to make any order or regulation re-

3 specting any location, business or company, subject to the
4 provisions of this act, shall be construed as giving said mu-
5 nicipalities jurisdiction without authority to alter or modify
6 any order, judgment, decree or regulation made by the pub-
7 lic service commission.

Sect. 17. Every company subject to the provisions of this
2 act shall file with the commission within a time to be fixed
3 by it, schedules which shall be open to public inspection,
4 showing all rates, tolls and charges which it has established
5 and which are in force at the time, including joint rates for
6 any service performed, or any product furnished by it, with-
7 in the State, and as a part thereof shall file the rules and
8 regulations that in any manner affect the tolls or rates
9 charged, or to be charged, for any such service or product;
10 and no change shall thereafter be made in any such schedules,
11 including schedules of joint rates, or in any such rules or
12 regulations, except upon ten days' notice to the commission;
13 and all such changes shall be plainly indicated upon existing
14 schedules, or by filing new schedules in lieu thereof ten days
15 prior to the time the same are to take effect; provided that
16 the commission upon application of any company subject
17 to the provisions of this act, may prescribe a shorter time
18 within which such reduction or change may be made.

Sect. 18. Every company subject to the provisions of this
2 act shall keep on file in every station or office thereof where
3 payments are made by consumers or users, open to the pub-
4 lic, and in such form and place as to be readily accessible to

5 inspection by the public, a copy printed in plain type of so
6 much of its said schedules as the commission shall deem
7 necessary.

Sect. 19. Said commission may appoint and employ a suffi-
2 cient number of clerks and stenographers to perform the
3 clerical work of the office, and may employ such experts and
4 temporary employees as may be necessary to perform the
5 service required under the general law and this act, and shall
6 fix the compensation of such clerks, stenographers, experts
7 and temporary employees, subject to the approval of the
8 governor.

Sect. 20. No person in the employ of, or holding any offi-
2 cial relation to any company subject to supervision under this
3 act, or engaged in the management thereof, or owning stock,
4 bonds or other securities in such company, or who is, in any
5 manner, connected with the operation of any such company
6 in this State, shall be a commissioner or the clerk of said
7 public service commission; nor shall any person holding the
8 office of commissioner or clerk of commission, personally or
9 in connection with a partner or agent, render any profes-
10 sional service for or against; or make or perform any busi-
11 ness contract with any company subject to supervision un-
12 der this act in this State, relating to the business of such
13 company, except contracts made with them as common car-
14 riers, or in regular course of public service, nor shall such
15 person directly or indirectly receive from any such company,
16 any commission, present or reward.

Sect. 21. Nothing in this act or previous statutes shall be
2 construed as giving the public service commission power to
3 prevent or restrict competition or limit the number of per-
4 sons or companies who may engage in the business of fur-
5 nishing light, heat, power, or any other business subject to
6 supervision under the provisions of this act in any town.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, Feb. 24, 1909.

Tabled pending reference to a committee by Mr. DAVIES
of Yarmouth and ordered printed.

E. M. THOMPSON, *Clerk.*