

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 661

STATE OF MAINE.

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

AN ACT to enlarge the powers and duties of the railroad commissioners, and to regulate the fares and tolls of common carriers.

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

Section 1. The railroad commissioners shall make, establish, revise and regulate all fares, classifications, tolls, tariffs, rates and charges upon all passengers and property conveyed and transported by any common carrier or carriers engaged in the transportation of passengers or property by railroads or water or partly by railroads and partly by water when both are used, under a common control, management or arrangement operating or doing business wholly within this State. Said board of commissioners shall have the au-

10 thorty and power and it shall be its duty and it is hereby
11 directed and required to make for each of the common car-
12 riers mentioned in this act, as soon as practicable, schedules
13 and tables of all such fares, classification, tolls, tariffs, rates
14 and charges, and shall revise and change the same from time
15 to time, as in the judgment of said board the public good
16 may require ; and said rates, charges, fares and tolls shall be
17 binding upon all said common carriers.

Sect. 2. For the purpose of making, establishing and re-
2 vising said schedules and tables as provided by this act, said
3 board shall each and every year, from and after the passage
4 of this act, hold at least one public meeting, session, sitting
5 and hearing of its said board in each of the several counties
6 in this State. Said hearings shall be held in the shire town
7 of each county, at such place in said shire town and at such
8 times as said board shall determine. Notice of the time and
9 place of said hearings in each county shall be given by said
10 board by publishing a notice therefor, fourteen days at least
11 before the day of any such hearing in all the newspapers pub-
12 lished in the county where any such hearing is called.

Sect. 3. At the time and place fixed and designated for
2 such hearing, by said board, in any county, any person, firm,
3 corporation, or association, or any mercantile, agricultural,
4 or manufacturing society, or any body politic or municipal
5 organization complaining of anything done or omitted to be
6 done by any such common carrier under this act in relation
7 to its said fares, classifications, tolls, tariffs, rates and

8 charges, in the county where said hearing is being held, may
9 appear before said board and be heard, in person or by at-
10 torney, and any such common carrier, doing business in the
11 county where such hearing is being held shall have the right
12 to appear and defend any complaint and explain any change
13 made to said board and be heard in the matter of the mak-
14 ing regulation and revision of its fares, charges and tolls un-
15 der the provisions of this act.

Sect. 4. That the said board may conduct its hearings and
2 proceedings under this act in such manner as will best con-
3 duce to the proper dispatch of business and the ends of jus-
4 tice, a majority of the board shall constitute a quorum for
5 the transaction of such business. Said board may, from
6 time to time, make or amend such general rules or orders as
7 may be requisite for the order and regulation of proceed-
8 ings before it, including forms of notices and the service
9 thereof.

Sect. 5. Said board have the right and authority to obtain
2 from each said common carriers in each county, where its
3 said sessions are held, full and complete information neces-
4 sary to enable it to perform the duties required by this act,
5 and for that purpose said board shall have power to require
6 the attendance and testimony of witnesses and the production
7 of all books, papers, tariffs, contracts, agreements and docu-
8 ments relating to any matter under investigation by the pro-
9 visions of this act, and to that end may invoke the aid of any
10 court of record in this State in requiring the attendance and

11 testimony of witnesses and the production of books, papers,
12 and documents under the provisions of this act.

Sect. 6. All testimony taken before said board at said
2 hearing shall be made a matter of record and shall be open
3 to public inspection. Either of the members of said board
4 may administer oaths and affirmations and sign subpoenas.
5 The testimony of any witness may be taken, at the instance
6 of any person interested, in any proceedings or investigation
7 depending before said board by deposition or otherwise. The
8 said board may also order testimony to be taken by deposi-
9 tion in any proceedings or investigation under this act, at
10 any stage of such proceedings or investigation.

Sect. 7. Any person who shall neglect or refuse to attend
2 and testify, or to answer any lawful inquiry, or to produce
3 books, papers, tariffs, contracts, agreements and documents,
4 if in his power to do so, in obedience to the subpoena or law-
5 ful requirement of the said board shall be punished by fine
6 not less than one hundred dollars, or by imprisonment for
7 not more than one year.

Sect. 8. The fees of such witnesses for attendance and
2 travel shall be the same as for witnesses before the Supreme
3 Court and shall be paid from the treasury of the State on a
4 certificate of said board which shall be filed with the State
5 Auditor.

Sect. 9. The claim that any such testimony or evidence
2 may tend to criminate the person giving such evidence shall
3 not excuse such witness from testifying; but such evidence

4 shall not be used against such person on the trial of any
5 criminal proceeding.

Sect. 10. Every common carrier, under the provisions of
2 this act, shall print and keep for public inspection schedules
3 and tables showing the fares, classifications, tolls, tariffs,
4 rates and charges for the transportation of passengers and
5 freight so made, established, revised and regulated by said
6 board and which are in force at the time upon its railroad.
7 The schedules and tables printed as aforesaid by any such
8 common carrier shall plainly state the places upon its rail-
9 road between which property and passengers will be carried,
10 and shall contain the classification of freight in force upon
11 such railroad, and shall also state separately the terminal
12 charges and any rules or regulations which in any wise
13 change, affect, or determine any part or the aggregate of
14 such aforesaid rates and fares and charges. Such schedules
15 and tables shall be plainly printed in large type, and copies
16 for the use of the public shall be posted in two public and
17 conspicuous places in every depot, station, or office upon any
18 such railroad where passengers or freight, respectively, are
19 received for transportation, in such form that they shall be
20 accessible to the public and can be conveniently inspected.

Sect. 11. No advance shall be made in the rates, fares, and
2 charges which have been established and published as afore-
3 said, by any common carrier, under the provisions of this
4 act, except by the consent in writing of said board, and ex-
5 cept further after ten days' public notice, which shall plainly

6 state the changes proposed to be made in said schedules and
7 tables then in force, and the time when the increased rates,
8 fares or charges will go into effect ; and the proposed changes
9 shall be shown by printing new schedules and tables, or shall
10 be plainly indicated upon the schedules and tables in force
11 at the time and kept for public inspection. Reductions in
12 such published rates, fares or charges may be made by three
13 days' previous public notice, to be given in the same manner
14 that notice of an advance in rates must be given.

Sect. 12. Any such common carrier who, after the estab-
2 lishing and publishing of its rates, fares, tolls and charges in
3 compliance with the provisions of this act, shall charge, de-
4 mand, collect, or receive from any person or persons a great-
5 er or less compensation for the transportation of passengers
6 or property, or for any service in connection therewith, than
7 is specified in such published schedule of rates, tolls, fares
8 and charges as may at the time be in force, shall be punished
9 by a fine of not less than one hundred dollars.

Sect. 13. If any such common carrier shall neglect or re-
2 fuse to publish its schedules or tariffs of rates, fares, tolls
3 and charges as provided by this act, or any part of the same,
4 such carrier shall be punished by a fine of not less than one
5 hundred dollars.

Sect. 14. The said board may determine and prescribe the
2 form in which the schedules and tables required by this act
3 to be kept open to public inspection shall be prepared and ar-

4 ranged, and may change the form from time to time as shall
5 be found expedient.

Sect. 15. Section one of chapter fifty-two of the Revised
2 Statutes is hereby amended by striking out all of said section
3 after the word "notwithstanding" in the ninth line thereof
4 and adding thereto the words 'all such fares, tolls and
5 charges are under the control, direction, revision and super-
6 vision of the railroad commissioners, as by law provided,'
7 so that said section, as amended, shall read as follows

'Section 1. Any railroad corporation may establish and
9 collect ,for its sole benefit, fares, tolls and charges, upon all
10 passengers and property conveyed and transported on its
11 railroad, at such rates as may be determined by the directors
12 thereof, and shall have a lien on its freight thereof; and may
13 from time to time by its directors regulate the use of its road;
14 *provided* that such rates of fares, tolls and charges, and regu-
15 lations are at all times subject to alteration by the legisla-
16 ture, or by such officers or persons as the legislature may ap-
17 point for the purpose, anything in the charter of such cor-
18 poration to the contrary notwithstanding; all such fares, tolls
19 and charges are under the control, direction, revision and
20 supervision of the railroad commissioners, as by law pro-
21 vided.'

Sect. 16. All acts and parts of acts inconsistent with this
2 act are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 17, 1909.

Bill substituted for report of Committee on Railroads and Expresses on motion of Mr. HERSEY of Houlton and ordered printed under joint rules.

E. M. THOMPSON. *Clerk.*