

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 742

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## STATE OF MAINE.

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

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HOUSE AMENDMENT "A" TO HOUSE BILL NO. 661.

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

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

Amend House Bill No. 661 by striking out all of said bill after the enacting clause and insert in its place the following :

Section 1. The railroad commissioners shall 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 from point to

6 point within the State by railroads or water or partly by  
7 railroads and partly by water when both are used, under a  
8 common control, management, or arrangement operating or  
9 doing business wholly or partly within this State. Said  
10 board of commissioners shall have the authority and power  
11 and it shall be its duty and it is hereby directed and required  
12 to revise for each of the common carriers mentioned in this  
13 act, as soon as practicable, schedules and tables of all such  
14 fares, classifications, tolls, tariffs, rates and charges, and shall  
15 revise and change the same from time to time, as in the judg-  
16 ment of said board the public good may require; and said  
17 rates, charges, fares, and tolls shall be binding upon all said  
18 common carriers.

Sect. 2. For the purpose of establishing and revising said  
2 schedules and tables as provided by this act, from and after  
3 the passage of this act, upon the written petition of ten or  
4 more regular shippers of freight or regular traders receiving  
5 freights as consignees over any such railroad, doing business  
6 in any county in the State, setting forth that any such com-  
7 mon carrier in such county has charged unjust and unrea-  
8 sonable rates for freights so shipped or received as afore-  
9 said, or that the regulations or practices of such common car-  
10 rier affecting such rates on freights are unjust, unreasonable,  
11 unjustly discriminatory or unduly preferential, or in any  
12 wise in violation of the provisions of this act, said board of  
13 commissioners shall within a reasonable time thereafter call

14 and hold a public meeting, session, sitting and hearing of its  
15 said board in said county where said petitioners reside in this  
16 State. Said hearing shall be held in the shire town of said  
17 county, at such place in said shire town, and at such time as  
18 said board shall determine. Notice of the time and place  
19 of said hearing in said county shall be given by said board by  
20 publishing a notice therefor, fourteen days at least before the  
21 day of any such hearing in all the newspapers published in  
22 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 charges  
8 in the county where said hearing is being held, may appear  
9 before said board and be heard, in person or by attorney.  
10 All testimony in support of said complaints shall be taken by  
11 a stenographer of said board and all written and documentary  
12 evidence offered by complainants shall be filed by said board  
13 as a part of its records at said hearings, and any such com-  
14 mon carrier doing business in the county where such hearing  
15 is held shall be notified by said board of any such complaints  
16 and of the nature and substance of the same and shall have  
17 a full opportunity and right to appear before said board and

18 defend or explain any such complaint and be fully heard in  
19 the matter of the revision of its fares, charges and tolls un-  
20 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 time  
6 to time, make or amend such general rules or orders as may  
7 be requisite for the order and regulation of proceedings be-  
8 fore it, including forms of notices and the service thereof.

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

Sect. 6. All testimony taken before said board at said  
2 hearings 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 investiga-  
7 tion depending before said board by deposition or otherwise.  
8 The said board may also order testimony to be taken by  
9 deposition in any proceedings or investigation under this act,  
10 at 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 revised and regulated by said board and which are  
6 in force at the time upon its railroad. The schedules and  
7 tables printed as aforesaid by any such common carrier shall  
8 plainly state the places upon its railroad between which prop-  
9 erty and passengers will be carried and shall contain the  
10 classification of freight and fares in force upon such railroad,  
11 and shall also state separately the terminal charges and any  
12 rules or regulations which in any wise change, affect, or de-  
13 termine any part or the aggregate of such aforesaid rates  
14 and fares and charges. Such schedules and tables shall be  
15 plainly printed in large type, and copies for the use of the  
16 public shall be posted in two public and conspicuous places  
17 in every depot, station, or office upon any such railroad where  
18 pasengers or freight, respectively, are received for transpor-  
19 tation, in such form that they shall be accessible to the pub-  
20 lic and can be conveniently inspected.

Sect. 11. No advance shall be made in the rates, fares,  
2 and charges which have been established and published as  
3 aforesaid, by any common carrier, under the provisions of  
4 this act, except by the consent in writing of said board, and  
5 except further after ten days public notice, which shall plain-  
6 ly state the changes proposed to be made in said schedules  
7 and tables then in force, and the time when the increased  
8 rates, fares or charges will go into effect; and the proposed  
9 changes shall be shown by printing new schedules and tables,  
10 or shall be plainly indicated upon the schedules and tables in  
11 force at the time and kept for public inspection. Reductions

12 in such published rates, fares or charges may be made by  
13 three days' previous public notice, to be given in the same  
14 manner 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 greater  
5 or less compensation for the transportation of passengers or  
6 property, or for any service in connection therewith, than is  
7 specified in such published schedule of rates, tolls, fares and  
8 charges as may at the time be in force, shall be punished by  
9 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 and  
3 charges as provided by this act, or any part of the same, such  
4 carrier shall be punished by a fine of not less than one hun-  
5 dred 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 charges  
5 are under the control, direction, revision and supervision of



6 the railroad commissioners, as by law provided,' so that said  
7 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  
13 may from time to time by its directors regulate the use of its  
14 road; provided that such rates of fares, tolls and charges,  
15 and regulations are at all times subject to alteration by the  
16 legislature, or by such officers or persons as the legislature  
17 may appoint for the purpose, anything in the charter  
18 of such corporation to the contrary notwithstanding; all  
19 such fares, tolls and charges are under the control, direc-  
20 tion, revision and supervision of the railroad commission-  
21 ers, as by law provided.'

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

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STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 20, 1909.

Tabled pending Adoption by Mr. HERSEY of Houlton and  
ordered printed.

E. M. THOMPSON, *Clerk.*