

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 809

STATE OF MAINE.

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

HOUSE AMENDMENT "A" TO HOUSE BILL No. 655.

Amend House Bill No. 655 by adding to said section the
2 following words: 'as hereinafter provided,' so that said
3 section when amended shall read as follows:

'Section 1. Any railroad corporation may establish and
5 collect, for its sole benefit, fares, tolls and charges, upon all
6 passengers and property conveyed and transported on its
7 railroad, at such rates as may be determined by the directors
8 thereof, and shall have a lien on its freight therefor; and
9 may' from time to time by its directors regulate the use
10 of its road; provided that such rates or fares, tolls and
11 charges, and regulations are at all times subject to altera-

12 tion by the Legislature, or by such officers or persons as the
13 legislature may appoint for the purpose, anything in the
14 charter of such corporation to the contrary notwithstanding;
15 and provided further, that upon what shall, at any time, be
16 deemed by the railroad commissioners a sufficient complaint,
17 by interested and responsible parties, that the tolls are un-
18 reasonably high, said commissioners may revise and estab-
19 lish them, after due notice and a hearing, for a time not
20 exceeding one year. But the commissioners before direct-
21 ing said hearing, shall give opportunity to the company com-
22 plained of, to reply to the charge. And said hearing shall
23 be held in the county in which the complaint originates, if
24 requested, as hereinafter provided.'

Also amend said bill by adding the following sections :

'Sect. 2. For the purpose of establishing and revising
3 said schedules and tables as provided by this act, from and
4 after the passage of this act, upon the written petition of ten
5 or more parties interested or regular shippers of freight or
6 regular traders receiving freight as consignees over any
7 such railroad, doing business in any county in the State, set-
8 ting forth that any such common carrier in such county has
9 charged unjust and unreasonable rates for freight so ship-
10 ped or received as aforesaid, or that the regulations or
11 practices of such common carrier affecting such rates on
12 freights are unjust, unreasonable, unjustly discriminatory
13 or unduly preferential, or in any wise in violation of the

14 provisions of this act, said board of commissioners shall
15 within a reasonable time thereafter call and hold a public
16 meeting, session, sitting and hearing of its said board in
17 said county where said petitioners reside in this State. Said
18 hearing shall be held in some convenient place in said
19 county, and at such time as said board shall determine. No-
20 tice of the time and place of said hearing in said county
21 shall be given by said board by publishing a notice therefor,
22 fourteen days at least before the day of any such hearing
23 in all the newspapers published in the county where any
24 such hearing is called.'

'Sect. 3. At the time and place fixed and designated for
26 such hearing, by said board, in any county, any person, firm,
27 corporation, or association, or any mercantile, agricultural,
28 or manufacturing society, or any body politic or municipal
29 organization, or persons interested, complaining of anything
30 done or omitted to be done by any such common carrier
31 under this act in relation to its said fares, classifications,
32 tolls, tariffs, rates and charges in the county where said
33 hearing is being held, may appear before said board and
34 be heard, in person or by attorney. All testimony in sup-
35 port of said complaints shall be taken by a stenographer of
36 said board and all written and documentary evidence of-
37 fered by complainants shall be filed by said board as a part
38 of its records at said hearings, and any such common car-
39 rier doing business in the county where such hearing is

40 held shall be notified by said board of any such complaints
41 and of the nature and substance of the same and shall have
42 a full opportunity and right to appear before said board
43 and defend or explain any such complaint and be fully heard
44 in the matter of the revision of its fares, charges and tolls
45 under the provisions of this act.'

'Sect. 4. That the said board may conduct its hearings
47 and proceedings under this act in such manner as will best
48 conduce to the proper dispatch of business and the ends of
49 justice, a majority of the board shall constitute a quorum
50 for the transaction of such business. Said board may, from
51 time to time, make or amend such general rules or orders
52 as may be requisite for the order and regulation of pro-
53 ceedings before it, including forms of notices and the ser-
54 vice thereof.'

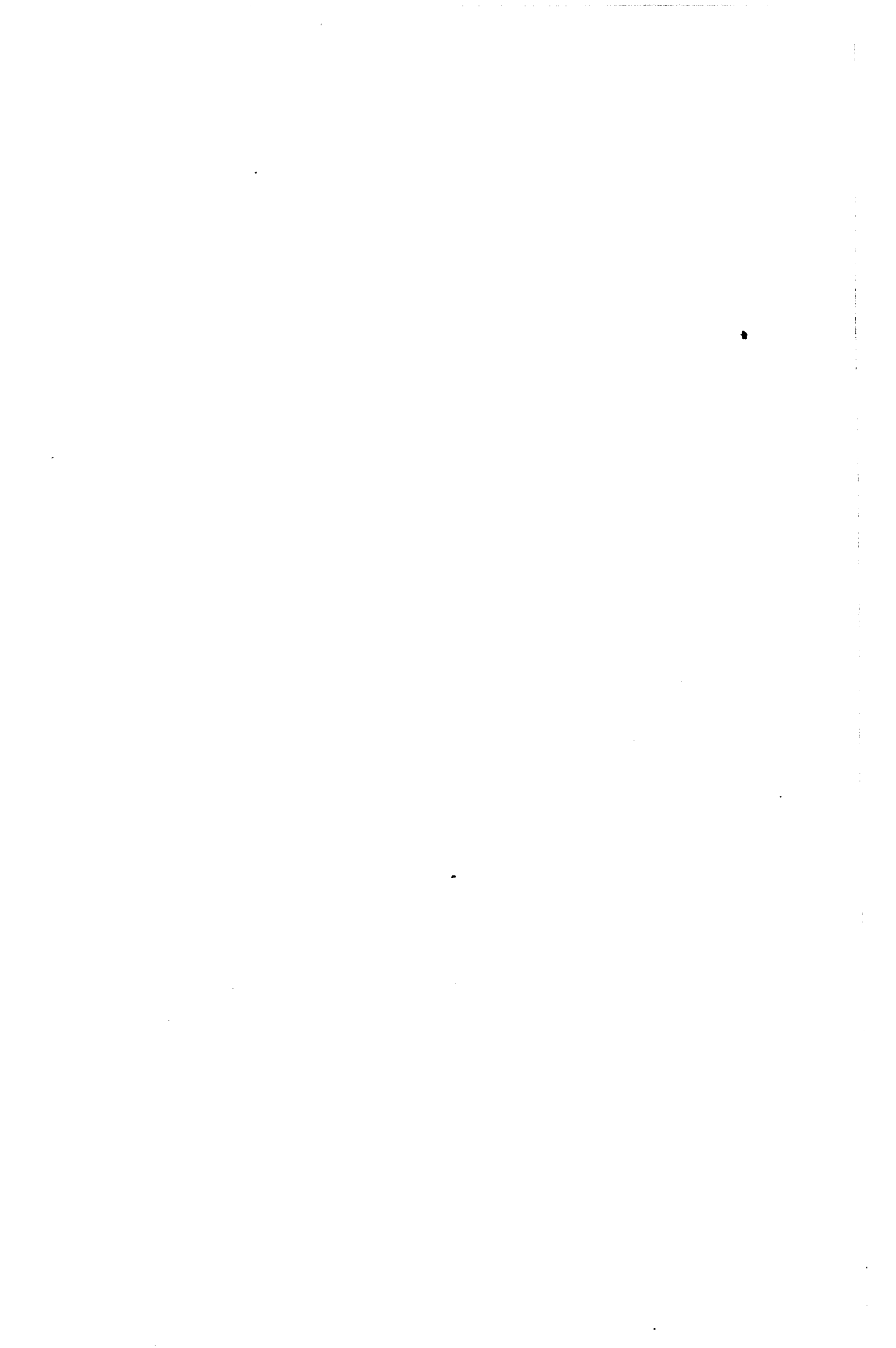
'Sect. 5. Said board shall have the right and authority to
56 obtain from each of said common carriers in each county,
57 where its said sessions are held, full and complete informa-
58 tion necessary to enable it to perform the duties required
59 by this act, and for that purpose said board shall have power
60 to require the attendance and testimony of witnesses and
61 the production of all books, papers, tariffs, contracts, agree-
62 ments and documents relating to any matter under investi-
63 gation by the provisions of this act, and to that end may
64 invoke the aid of any court of record in this State in re-
65 quiring the attendance and testimony of witnesses and the

66 production of books, papers, and documents under the pro-
67 visions of this act.'

'Sect. 6. All testimony taken before said board at said
69 hearings shall be made a matter of record and shall be
70 open to public inspection. Either of the members of said
71 board may administer oaths and affirmations and sign sub-
72 poenas. The testimony of any witness may be taken, at
73 the instance of any person interested, in any proceedings or
74 investigation depending before said board.'

'Sect. 7. Any person who shall neglect or refuse to at-
76 tend and testify, or to answer any lawful inquiry, or to
77 produce books, papers, tariffs, contracts, agreements and
78 documents, if in his power to do so, in obedience to the
79 subpoena or lawful requirement of the said board shall be
80 punished by fine not less than one hundred dollars, or by
81 imprisonment for not more than one year.'

'Sect. 8. The fees of such witnesses for attendance and
83 travel shall be the same as for witnesses before the su-
84 preme court and shall be paid from the treasury of the
85 State on a certificate of said board which shall be filed with
86 the State auditor.'



STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, April 1, 1909.

Tabled pending adoption and ordered printed by Mr. DAVIES of Yarmouth.

E. M. THOMPSON, *Clerk.*