

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 40

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 authority and

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

Sect. 2. For the purpose of making, establishing and revis-
2 ing 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, or
4 manufacturing society, or any body politic or municipal or-
5 ganization complaining of anything done or omitted to be
6 done by any such common carrier under this act in relation to
7 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 and any such common carrier, doing business in the county
11 where such hearing is being held shall have the right to ap-
12 pear and defend any complaint and explain any change made
13 to said board and be heard in the matter of the making regu-
14 lation and revision of its fares, charges and tolls under the
15 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 the
5 transaction of such business. Said board may, from time to
6 time, make or amend such general rules or orders as may be
7 requisite for the order and regulation of proceedings before
8 it, including forms of notices and the service thereof.

Sect. 5. Said board have the right and authority to obtain
2 from each of 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 hear-
2 ings shall be made a matter of record and shall be open to
3 public inspection. Either of the members of said board may
4 administer oaths and affirmations and sign subpoenas. The
5 testimony of any witness may be taken, at the instance of any
6 person interested, in any proceedings or investigation depend-
7 ing before said board by deposition or otherwise. The said
8 board may also order testimony to be taken by deposition in
9 any proceedings or investigation under this act, at any stage
10 of such proceedings or investigation.

Sect. 7. An 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 not
7 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 may
2 tend to criminate the person giving such evidence shall not
3 excuse such witness from testifying; but such evidence shall

4 not be used against such person on the trial of any criminal
5 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 railroad
9 between which property and passengers will be carried, and
10 shall contain the classification of freight in force upon such
11 railroad, and shall also state separately the terminal charges
12 and any rules or regulations which in any wise change, affect,
13 or determine any part or the aggregate of such aforesaid
14 rates and fares and charges. Such schedules and tables shall
15 be plainly printed in large type, and copies for the use of the
16 public shall be posted in two public and conspicuous places in
17 every depot, station, or office upon any such railroad where
18 passengers or freight, respectively, are received for trans-
19 portation, in such form that they shall be accessible to the
20 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 act,
4 except by the consent in writing of said board, and except
5 further after ten days' public notice, which shall plainly state

6 the changes proposed to be made in said schedules and tables
7 then in force, and the time when the increased rates, fares or
8 charges will go into effect; and the proposed changes shall
9 be shown by printing new schedules and tables, or shall be
10 plainly indicated upon the schedules and tables in force at the
11 time and kept for public inspection. Reductions in such pub-
12 lished rates, fares or charges may be made by three days'
13 previous public notice, to be given in the same manner that
14 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 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
5 charges are under the control, direction, revision and super-
6 vision of the railroad commissioners, as by law provided,’ so
7 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 legislature,
16 or by such officers or persons as the legislature may appoint
17 for the purpose, anything in the charter of such corporation
18 to the contrary notwithstanding; all such fares, tolls and
19 charges are under the control, direction, revision and super-
20 vision of the railroad commissioners, as by law provided.’

Sect. 15. All acts and parts of acts inconsistent with this
2 act are hereby repealed.

STATE OF MAINE.

IN SENATE,

January 20, 1909.

Came from the House, referred to the Committee on Judiciary and on motion by Mr. MACOMBER of Kennebec, laid on table for printing pending reference in concurrence.

F. G. FARRINGTON, *Secretary*.