

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 42

House of Representatives, Jan. 27, 1911.

*Tabled pending reference to committee by Mr. Pattangall
and ordered printed.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to create the Public Utilities Commission of Maine
and define its duties.

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

Section 1. The Governor with the advice and consent of
2 his council shall appoint five public utility commissioners
3 who shall act as a board, which said board shall be known
4 as The Public Utilities Commission of Maine. Said board
5 shall be provided with an office at the State House at August-
6 ta and suitable rooms for hearings in which its records shall
7 be kept and may, under the directions of the Governor and
8 Council and with their consent expend such sums of money
9 as are necessary in the purchase of books, maps, stationery
10 and office supplies and in procuring statistics and informa-

11 tion and in defraying expenses incidental and necessary to
12 the discharge of its duties. A statement of such expenses
13 shall accompany its annual report. Said board shall also
14 have authority to employ necessary clerical help and shall
15 keep or cause to be kept a full and minute record of its pro-
16 ceedings which shall at all times be subject to public inspec-
17 tion.

Sect. 2. The office of railroad commissioner and the board
2 created and known as the Railroad Commission and the
3 State Water Storage Commission are hereby abolished and
4 all of the powers now vested in said boards together with all
5 the duties and privileges now imposed or conferred upon
6 said board by and under existing laws are hereby imposed
7 and conferred upon The Public Utilities Commission of
8 Maine hereby created.

Sect. 3. One member of said commission shall be desig-
2 nated by the Governor as Chairman, and said Chairman shall
3 receive an annual salary of four thousand dollars; each of
4 the remaining members shall receive an annual salary of
5 three thousand five hundred dollars, and the commissioners
6 and their assistants shall receive actual traveling expenses,
7 when traveling on the business of the State. The chairman
8 of the commission first appointed shall hold office for five
9 years, and the other members thereof shall hold office for
10 one, two, three and four years, respectively, and the term
11 of each shall be designated by the Governor. All members
12 thereafter appointed shall hold office for five years.

Sect. 4. A majority of the commissioners shall constitute
2 a quorum to transact business and a vacancy or vacancies
3 shall not impair the right of the remaining commissioners to
4 exercise all of the powers of the commission provided that a
5 majority remains. The Governor and Council are author-
6 ized to fill any and all vacancies occurring on said commis-
7 sion in the same way as by original appointment. Any
8 investigation, inquiry or hearing which the commission is
9 authorized to hold or undertake may be held or undertaken
10 by or before any one member of the commission and when
11 approved and confirmed by the commission and so shown on
12 its records shall be deemed to be the decision and order of
13 the commission.

Sect. 5. The Commission shall have power to adopt rea-
2 sonable and proper rules and regulations governing its pro-
3 ceedings and the mode and manner of all investigations,
4 audits, inspections and hearings.

Sect. 6. The term "Commission" when used in this act
2 means "The Public Utilities Commission of Maine." The
3 term "Commissioner" means one of the members of such
4 commission. The term "Public Utility" as used in this act
5 shall mean and embrace every individual, association of
6 individuals, corporation, company, their lessees, trustees or
7 receivers that now or hereafter may own, operate, manage
8 or control any railroad, either operated for freight business
9 or passenger business or both, whether propelled by steam
10 or otherwise; or that may conduct a parlor, sleeping, heating

11 or refrigerator car business; or that may conduct an express
12 business or be engaged in the conveyance of telephone or
13 telegraph messages or the production, transmission, deliv-
14 ery or furnishing of heat, light, water or power, either di-
15 rectly or indirectly to or for the public, but the term "Public
16 Utility" shall not include any plant owned or operated as a
17 municipal corporation or owned or operated as a district
18 corporation.

Sect. 7. Every public utility is required to furnish rea-
2 sonably adequate service and facilities. The charge made
3 by any public utility for any service rendered by it shall be
4 reasonable and just, taking into due consideration the actual
5 value of its property, exclusion of franchise, business risk,
6 depreciation, and a fair return on the investment, and every
7 unjust or unreasonable charge for such service is prohibited
8 and declared unlawful.

Sect. 8. Each public utility shall have an office in one of
2 the towns, or cities in this State in which its property or
3 some part thereof is located, and shall keep in said office all
4 such books, accounts, papers and records as shall be required
5 by the commission to be kept within the State. No books,
6 accounts, papers or records required by the commission to be
7 kept within the State shall be at any time removed from the
8 State, except upon such conditions as may be prescribed by
9 the commission.

Sect. 9. The accounts shall be closed annually on the 30th
2 day of June and a balance sheet of that date promptly taken

3 therefrom. On or before the fifteenth day of August fol-
4 lowing, such balance sheet together with such other infor-
5 mation as the commission shall prescribe, verified by an offi-
6 cer of the public utility, shall be filed with the commission.

Sect. 10. Every public utility shall file with the commis-
2 sion within a time to be fixed by the commission, schedules
3 which shall be open to public inspection, showing all rates,
4 tolls and charges which it has established and which are in
5 force at the time for any service performed by it within
6 the state, or for any service in connection therewith or per-
7 formed by any public utility controlled or operated by it.
8 The rates, tolls and charges shown on the schedules shall
9 not exceed the rates, tolls and charges in force on July 1st,
10 1911.

Sect. 11. Every public utility shall file with and as a part
2 of such schedule all rules and regulations that in any manner
3 affect the rates charged or to be charged for any service.

Sect. 12. A copy of so much of said schedules as the com-
2 mission shall deem necessary for the use of the public shall
3 be printed in plain type, and kept on file in every station or
4 office of such public utility where payments are made by the
5 consumers or users, open to the public, in such form and
6 place as to be readily accessible to the public and as can be
7 easily inspected.

Sect. 13. Where a schedule of joint rates or charges is or
2 may be in force between two or more public utilities, such
3 schedules shall in like manner be printed and filed with the

4 commission and so much thereof as the commission shall
5 deem necessary for the use of the public shall be filed in
6 every such station or office as provided in section twelve of
7 this act.

Sect. 14. No change shall hereafter be made in any sched-
2 ule, including schedules of joint rates, except upon ten days'
3 notice to the commission, and all such changes shall be plain-
4 ly indicated upon existing schedules, or by filing new sched-
5 ules in lieu thereof ten days prior to the time the same are to
6 take effect; provided that the commission, upon the applica-
7 tion of any public utility, may prescribe a less time within
8 which a reduction may be made.

Sect. 15. Copies of all new schedules shall be filed as here-
2 inbefore provided in every station and office of such public
3 utility where payments are made by customers or users ten
4 days prior to the time the same are to take effect, unless
5 the commission shall prescribe a less time.

Sect. 16. It shall be unlawful for any public utility to
2 charge, demand, collect or receive a greater or less compen-
3 sation for any service performed by it within the state or
4 for any service in connection therewith than is specified in
5 such printed schedules, including schedules of joint rates,
6 as may at the time be in force, or to demand, collect or re-
7 ceive any rate, toll or charge not specified in such schedule.
8 The rates, tolls and charges named therein shall be the law-
9 ful rates, tolls and charges until the same are changed as
10 provided in this act. The commission may prescribe such

11 changes in the form in which the schedules are issued by any
12 public utility as may be found to be expedient.

Sect. 17. The commission shall provide for a compre-
2 hensive classification of the service for each public utility
3 and such classification may take into account the quantity
4 used, the time when used, the purpose for which used and
5 any other reasonable consideration. Each public utility is
6 required to conform its schedules of rates, tolls and charges
7 to such classification.

Sect. 18. The commission shall have authority to inquire
2 into the management of the business of all public utilities
3 and shall keep itself informed as to the manner and method
4 in which the same is conducted, and shall have the right to
5 obtain from any public utility all necessary information to
6 enable the commission to perform its duties.

Sect. 19. The commission or any commissioner or any per-
2 son or persons employed by the commission for that purpose
3 shall, upon demand, have the right to inspect the books, ac-
4 counts, papers, records and memoranda of any public utility
5 in relation to its business and affairs. Any person other
6 than one of said commissioners who shall make such demand
7 shall produce his authority to make such inspection.

Sect. 20. The commission may require, by order or sub-
2 poena to be served on any public utility in the same manner
3 that a summons is served in a civil action in the Supreme
4 Judicial Court, the production within this state at such time
5 and place as it may designate, of any books, account, papers

6 or records kept by said public utility in any office or place
7 outside of the State of Maine, or verified copies thereof in-
8 stead, if the commission shall so order, in order that an ex-
9 amination thereof may be made by the commission or under
10 its direction. Any public utility failing or refusing to com-
11 ply with any such order or subpoena shall, for each day it
12 shall so fail or refuse, forfeit and pay into the State Treas-
13 ury a sum not less than fifty dollars nor more than five
14 hundred dollars to be recovered by the State in an action of
15 debt, which may be instituted by said commission, or by in-
16 dictment.

Sect. 21. For the purpose of making any investigation
2 with regard to any public utility the commission shall have
3 the power to appoint, by an order in writing, an agent whose
4 duties shall be prescribed in such order. In the discharge
5 of his duties such agent shall have every power whatsoever
6 of an inquisitorial nature granted in this act to the commis-
7 sion and full powers with regard to taking depositions. The
8 commission may conduct any number of such investigations
9 contemporaneously through different agents, and may dele-
10 gate to such agents the taking of all testimony bearing upon
11 any investigation or hearing. The decision of the commis-
12 sion shall be based upon the examination of all testimony and
13 records. The recommendations made by such agents shall
14 be advisory only and shall not preclude the taking of fur-
15 ther testimony if the commission so order, nor further in-
16 vestigation.

Sect. 22. Every public utility shall furnish to the commission all information required by it to carry into effect the provisions of this act, and shall make specific answers to all questions submitted by the commission.

Any public utility receiving from the commission any blanks with directions to fill the same, shall cause the same to be properly filled out as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall give a good and sufficient reason for such failure; and such answer shall be verified under oath by the President, Secretary, Superintendent or General Manager of such public utility and returned to the commission at its office within the time fixed by the commission. Whenever required by the commission every public utility shall deliver to the commission any or all maps, profiles, contracts, reports of engineers and all documents, books, accounts, papers and records or copies of any or all of the same, with a complete inventory of its property, in such form as the commission may direct.

Sect. 23. Upon a complaint made against any public utility by any mercantile, agricultural, or manufacturing society, or by any body politic or municipal organization, or by any twenty-five persons, firms, corporations or associations, that any of the rates, tolls, charges, or schedules or any joint rate or rates of any public utility are in any respect unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act of said public utility is in any

9 respect unreasonable, insufficient or unjustly discriminatory,
10 or that any service is inadequate or cannot be obtained, the
11 commission shall proceed, with or without notice, to make
12 such investigation as it may deem necessary or convenient.
13 But no order affecting said rates, tolls, charges, schedules,
14 regulations, measurements, practice or act complained of
15 shall be entered by the commission without a formal public
16 hearing.

Sect. 24. The commission shall, prior to such formal hear-
2 ing, notify the public utility complained of that a complaint
3 has been made, and ten days after such notice has been
4 given the commission may proceed to set a time and place
5 for a hearing and an investigation as hereinafter provided.

Sect. 25. The commission shall give the public utility and
2 the complainant, if any, ten days' notice of the time and
3 place when and where such hearing and investigation will
4 be held and such matters considered and determined. Both
5 the public utility and the complainant shall be entitled to be
6 heard and have process to enforce the attendance of wit-
7 nesses.

Sect. 26. If upon such investigation the rates, tolls,
2 charges, schedules or joint rates, shall be found to be un-
3 just, unreasonable, insufficient or unjustly discriminatory
4 or to be preferential or otherwise in violation of the provi-
5 sions of this act, the commission shall have power to fix and
6 order substituted therefor such rate or rates, tolls, charges
7 or schedules as shall be just or reasonable. If upon in-

8 vestigation it shall be found that any regulation, measure-
9 ment, practice, act or service complained of is unjust, unrea-
10 sonable, insufficient, preferential, unjustly discriminatory or
11 otherwise in violation of any of the provisions of this act, or
12 if it may be found that any service is inadequate or that any
13 reasonable service cannot be obtained, the commission shall
14 have power to substitute therefor such other regulations,
15 measurements, practice, service or acts and to make such
16 order respecting, and such changes in such regulations, meas-
17 urements, practice, service or acts as shall be just and rea-
18 sonable.

Sect. 27. If upon such investigation it shall be found that
2 any rate, toll, charge, schedule or joint rate or rates is unjust,
3 unreasonable, insufficient or unjustly discriminatory or pref-
4 erential or otherwise in violation of the provisions of this
5 act, or that any regulation, practice or service complained of
6 is unjust, unreasonable, insufficient, preferential or other-
7 wise in violation of any of the provisions of this act, or if
8 it be found that any service is inadequate or that any reason-
9 able service cannot be obtained, the public utility found to
10 be at fault shall pay the expenses incurred by the commis-
11 sion upon such investigation and such reasonable costs to
12 the complainant as the commission directs.

Sect. 28. The commission may, in its discretion, when com-
2 plaint is made of more than one rate or charge, order sep-
3 arate hearings thereon, and may consider and determine the

4 several matters complained of separately and at such times
5 as it may prescribe.

Sect. 29. Whenever the commission believes that any rate
2 or charge is unjust or unreasonable or that any service is in-
3 adequate or cannot be obtained or that an investigation of
4 any matter relating to any public utility should for any rea-
5 son be made, it may on its own motion, summarily investi-
6 gate the same with or without notice.

Sect. 30. If, after making such investigation, the commis-
2 sion becomes satisfied that sufficient grounds exist to warrant
3 a formal hearing being ordered as to the matters so investi-
4 gated, it shall furnish such public utility interested a state-
5 ment notifying the public utility of the matters under inves-
6 tigation. Ten days after such notice has been given the com-
7 mission may proceed to set a time and place for a hearing
8 and an investigation as hereinbefore provided.

Sect. 31. Notice of the time and place of such hearing
2 shall be given to the public utility and to such other inter-
3 ested persons as the commission shall deem necessary as pro-
4 vided in section 25 of this act, and thereafter proceedings
5 shall be had and conducted in reference to the matter in-
6 vestigated in like manner as though complaint had been filed
7 with the commission relative to the matter investigated, and
8 the same order or orders may be made in reference thereto
9 as if such investigation had been made on complaint.

Sect. 32. Any public utility may make complaint as to
2 any matter affecting its own product or service with like
3 effect as though made by any mercantile, agricultural or man-

4 ufacturing society, body politic or municipal organization or
5 by any twenty-five persons, firms, corporations or associa-
6 tions.

Sect. 33. Each of the commissioners and every agent pro-
2 vided for in section 21 of this act for the purposes mentioned
3 in this act shall have power to administer oaths, certify to
4 official acts, issue subpoenas, compel the attendance of wit-
5 nesses and the production of books, accounts, papers, docu-
6 ments and testimony. In case of disobedience on the part of
7 any person or persons to comply with the order of the com-
8 mission or any commissioner or any subpoena, or on the re-
9 fusal of any witness to testify to any matter regarding which
10 he may be lawfully interrogated before the commission or
11 its agent authorized as provided in section 21, it shall be the
12 duty of any judge of the Supreme Judicial Court, on appli-
13 cation of a commissioner, to compel obedience by proceed-
14 ings for contempt as in the case of disobedience of the re-
15 quirements of a subpoena issued from such court or a re-
16 fusal to testify therein.

Sect. 34. Each witness who shall appear before the com-
2 mission or its agent by its order, shall receive for his attend-
3 ance the fees and mileage now provided for witnesses in
4 civil cases in the Supreme Judicial Court, which shall be
5 audited and paid by the State in the same manner as other
6 State expenses are audited and paid, upon the presentation of
7 proper vouchers sworn to by such witnesses and approved by
8 the chairman of the commission. No witness subpoenaed

9 at the instance of any party other than the commission shall
10 be entitled to compensation from the State for attendance or
11 travel unless the commission shall certify that his testimony
12 was material to the matter investigated.

Sect. 35. The commission or any party may, in any inves-
2 tigation, cause the depositions of witnesses residing within or
3 without the State to be taken in the manner prescribed by
4 law for like depositions for civil actions in the Supreme Ju-
5 dicial Court.

Sect. 36. A full and complete record shall be kept of all
2 proceedings had before the commission or its agents or any
3 formal investigation had and all testimony shall be taken
4 down by a stenographer appointed by the commission.

Sect. 37. Whenever any notice of appeal from its decision
2 is served upon the commission under the provisions of ser-
3 tion 43 of this act, the commission shall, before said action
4 is reached for trial, cause a certified transcript of all pro-
5 ceedings had and testimony taken upon such investigation
6 to be filed with the clerk of the Supreme Judicial Court of
7 the county where the action is pending.

Sect. 38. A transcribed copy of the evidence and proceed-
2 ings or any specific part thereof, on any investigation taken
3 by the stenographer appointed by the commission, being cer-
4 tified by such stenographer to be a true and correct transcript
5 of all testimony on the investigation or of a particular wit-
6 ness, or of other specific part thereof, carefully compared
7 by him with his original notes, and to be a correct statement

8 of the evidence and proceedings had on such investigation
9 so purporting to be taken and transcribed, shall be received
10 in evidence with the same effect as if the reporter were pres-
11 ent and testified to the fact so certified. A copy of such
12 transcript shall be furnished free of cost to any part to such
13 investigation, on demand.

Sect. 39. Whenever, upon an investigation made under the
2 provisions of this act, the commission shall find any existing
3 rates, tolls, charges, schedules or joint rate or rates to be
4 unjust, unreasonable, insufficient or unjustly discriminatory
5 or to be preferential or otherwise in violation of the pro-
6 visions of this act, the commission shall determine and by
7 order fix rates, tolls, charges, schedules or joint rates to be
8 imposed, observed and followed in the future in lieu of those
9 found to be unjust, unreasonable, insufficient or unjustly
10 discriminatory or preferential or otherwise in violation of
11 any of the provisions of this act. Whenever, upon investi-
12 gation made under the provisions of this act, the commission
13 shall find any regulations, measurements, practices, acts or
14 service to be unjust, unreasonable, insufficient, preferential,
15 unjustly discriminatory or otherwise in violation of any of
16 the provisions of this act; or shall find that any service is
17 inadequate or that any service that can reasonably be de-
18 manded cannot be obtained, the commission shall determine
19 and declare and by order fix reasonable measurements,
20 regulations, acts, practices or service to be furnished, im-
21 posed, observed and followed in the future in lieu of those

22 found to be unjust, unreasonable, insufficient, preferential,
23 unjustly discriminatory, inadequate or otherwise in violation
24 of this act as the case may be, and shall make such other
25 order respecting such measurement, regulation, act, prac-
26 tice or service as shall be just and reasonable. Whenever,
27 upon investigation made under the provisions of this act, the
28 commission shall find that any rate, toll, charge, schedule,
29 or joint rate or rates is unjust, unreasonable, insufficient
30 or unjustly discriminatory or preferential, or otherwise in
31 violation of the provisions of this act, or that any measure-
32 ment, regulation, practice, act or service complained of is
33 unjust, unreasonable, insufficient, preferential, unjustly dis-
34 criminatory or otherwise in violation of any of the pro-
35 visions of this act, or it shall find that any service is inade-
36 quate or that any service which can reasonably be demanded
37 cannot be obtained, the commission shall ascertain and de-
38clare and by order fix the expense incurred by the commis-
39 sion upon such investigation and shall by such order direct
40 such public utility to pay to the State Treasurer within twen-
41 ty days thereafter such expenses so incurred. The commis-
42 sion shall cause a certified copy of all such orders to be de-
43 livered to an officer or agent of the public utility affected
44 thereby, and all such orders shall of their own force take
45 effect and become operative twenty days after service there-
46 of, unless a different time be provided by said order.

Sect. 40. All public utilities to which the order applies
2 shall make such changes in their schedules on file as may be

3 necessary to make the same conform to said order, and no
4 change thereafter shall be made by any public utility in any
5 such rates, tolls, or charges, or in any joint rate or rates,
6 without the approval of the commission. Certified copies of
7 all other orders of the commission shall be delivered to the
8 public utility affected thereby in like manner and the same
9 shall take effect within such time thereafter as the commis-
10 sion shall prescribe.

Sect. 41. The commission may at any time, upon notice to
2 the public utility and after opportunity to be heard as pro-
3 vided in section 25, rescind, alter or amend any order fixing
4 any rate or rates, tolls, charges or schedules or any other
5 order made by the commission, and certified copies of the
6 same shall be served and take effect as herein provided for
7 original orders.

Sect. 42. All rates, tolls, schedules, charges and joint rates
2 fixed by the commission shall be in force and shall be *prima*
3 *facie* lawful, and all regulations, practices, and services pre-
4 scribed by the commission shall be in force and shall be
5 *prima facie* reasonable until finally found otherwise in an
6 action brought for that purpose pursuant to the provisions
7 of section 43 of this act.

Sect. 43. Any public utility and any person or corporation
2 in interest being dissatisfied with any order of the commis-
3 sion fixing any rate or rates, tolls, charges, schedules, joint
4 rate or rates, or any order fixing any regulations, practices,
5 act or service may bring a bill in equity in the Supreme Ju-

6 dicial Court in the county where the Maine office of the pub-
7 lic utility is located, or at its option in Kennebec County,
8 against the Commission as defendant to vacate and set aside
9 any such order on the ground that the rate or rates, tolls,
10 charges, schedules, joint rate or rates fixed in such order is
11 unlawful, or that any such regulation, practice, act or ser-
12 vice fixed in such order is unreasonable, in which action the
13 commission shall be made a party to such bill, which shall
14 be brought and served like other bills in equity. The an-
15 swer of the commission to the bill shall be filed within 30
16 days after service, whereupon said action shall be at issue
17 and stand ready for trial upon 30 days' notice to either party.
18 All such actions shall have precedence over any cause of a
19 different nature pending in said court, and the court shall
20 always be deemed open for the trial thereof, and the same
21 shall be tried and determined as other actions in equity.

Sect. 44. Every proceeding, action or suit to set aside,
2 vacate or amend any determination or order of the commis-
3 sion or to enjoin the enforcement thereof or to prevent in
4 any way such order or determination from becoming effec-
5 tive, shall be commenced, and every appeal to the court or
6 right of recourse to the court shall be taken or exercised
7 within ninety days after the entry or rendition of such or-
8 der or determination, and the right to commence such action,
9 proceeding or suit, or to take or exercise any such appeal or
10 right of recourse to the court, shall terminate absolutely at
11 the end of such ninety days after such entry or rendition
12 thereof.

Sect. 45. No injunction shall issue suspending or staying
2 any order of the commission, except upon application to the
3 Supreme Judicial Court or one of the justices thereof, no-
4 tice to the commission and hearing.

Sect. 46. If, upon trial of such action, evidence shall be
2 introduced by the plaintiff which is found by the court to
3 be different from that offered upon the hearing before the
4 commissioner, or its authorized agent, or additional thereto,
5 the court, before proceeding to render judgment unless the
6 parties to such action stipulate in writing to the contrary,
7 shall transmit a copy of such evidence to the commission
8 and stay further proceedings in said action for fifteen days
9 from the date of such transmission.

Sect. 47. Upon receipt of such evidence the commission
2 shall consider the same and may alter, modify, amend or re-
3 scind its order relating to such rate or rates, tolls, charges,
4 schedules, joint rate or rates, regulations, practice, act or
5 service complained of in said action, and shall report its
6 action thereon to said court within ten days from the receipt
7 of such evidence.

Sect. 48. If the commission shall rescind its order com-
2 plained of, the action shall be dismissed; if it shall alter,
3 modify or amend the same, such altered, modified or amend-
4 ed order shall take the place of the original order complained
5 of and judgment shall be rendered thereon as though made
6 by the commission in the first instance. If the original or-
7 der shall not be rescinded or changed by the commission
8 judgment shall be rendered upon such original order.

Sect. 49. Either party to said action may appeal to the law
2 court, and such appeal shall be governed by the general
3 rules of equity practice and procedure.

Sect. 50. In all trials, actions, and proceedings arising
2 under the provisions of this act or growing out of the exer-
3 cise of the authority and powers granted herein by the com-
4 mission, the burden of proof shall be upon the party adverse
5 to such commission or seeking to set aside any determination,
6 requirement, direction or order of said commission com-
7 plained of as unreasonable or unlawful as the case may be.
8 And in all original proceedings before said commission
9 where an increase in rates, tolls, charges or schedules or
10 joint rate or rates is complained of, the burden of proof shall
11 be upon the public utility to show that such increase is just
12 and reasonable.

Sect. 51. In all action and proceedings in court arising
2 under this act all processes shall be served and the practice
3 and rules of evidence the same as in civil actions, except as
4 otherwise herein provided. Every sheriff or other officer
5 empowered to execute civil processes shall execute any pro-
6 cess issued under the provisions of this act and shall receive
7 such compensation therefor as may be prescribed by law for
8 similar service.

Sect. 52. No person shall be excused from testifying or
2 from producing books, accounts and papers in any proceed-
3 ings based or growing out of the provisions of this act on the
4 ground that the testimony or evidence, documentary or oth-

5 erwise, required of him may tend to incriminate him or sub-
6 ject him to penalty or forfeiture; but no person having so
7 testified shall be prosecuted or subjected to any penalty or
8 forfeiture for or on account of any transaction, matter or
9 thing concerning which he may have testified or produced
10 any documentary evidence; provided, however, that no per-
11 sons so testifying shall be exempt from prosecution or pun-
12 ishment for perjury in so testifying.

Sect. 53. Upon application of any person the commission
2 shall furnish certified copies, under the seal of the commis-
3 sion, of any order made by it, which shall be evidence of the
4 facts stated therein.

Sect. 54. No license, permit, or franchise shall be granted
2 to any person, copartnership or corporation to own, operate,
3 manage or control any plant or equipment for the produc-
4 tion, transmission, delivery or furnishing of heat, light, wa-
5 ter or power in any municipality where there is in operation
6 a public utility engaged in similar service, without first secur-
7 ing from the commission a declaration after a public hearing
8 of all parties interested, that public convenience and neces-
9 sity requires such second public utility. Any existing per-
10 mit, license or franchise which shall contain any term what-
11 soever interfering with the existence of such second public
12 utility is hereby amended in such a manner as to permit
13 such municipality to grant a permit for the operation of
14 such second public utility pursuant to the provisions of this

15 act, and section one of chapter 55 and acts amendatory
16 thereto are hereby repealed.

Sect. 55. No license, permit or franchise to own, operate,
2 manage or control any plant or equipment for the produc-
3 tion, transmission, delivery or furnishing of heat, light, wa-
4 ter or power shall be hereafter granted or transferred to a
5 corporation unless said corporation is duly organized under
6 the laws of the State of Maine.

Sect. 56. It shall be unlawful for any public utility to de-
2 mand, charge, collect or receive from any person, firm or
3 corporation less compensation for any service rendered or
4 to be rendered by said public utility in consideration of the
5 furnishing by said person, firm or corporation of any part
6 of the facilities incident thereto, provided that nothing here-
7 in shall be construed as prohibiting any public utility from
8 renting any facilities incident to the production, transmission,
9 delivery or furnishing of heat, light, water or power or the
10 conveyance of telephone messages and paying a reasonable
11 rental therefor, or as requiring any public utility to furnish
12 any part of such appliances which are situated in or upon
13 the premises of any consumer or user, except telephone sta-
14 tion equipments upon the subscribers' premises, and unless
15 otherwise ordered by the commission, meters and appliances
16 for measurement of any product or service.

Sect. 57. If any public utility make or give any undue or
2 unreasonable preference or any advantage to any particular
3 person, firm or corporation or shall subject any particular

4 person, firm or corporation to any undue or unreasonable
5 prejudice or disadvantage in any respect whatever, such pub-
6 lic utility shall be deemed guilty of unjust discrimination
7 which is hereby prohibited and declared unlawful.

Sect. 58. It shall be unlawful for any person, firm or cor-
2 poration to knowingly solicit, accept or receive any rebate,
3 discount or discrimination in respect to any service rendered
4 or to be rendered by any public utility, or for any service in
5 connection therewith whereby any such service shall have
6 any device whatsoever, or otherwise be rendered free or at a
7 less rate than named in the schedules and tariffs in force as
8 provided herein, or whereby any service or advantage is re-
9 ceived other than is herein specified. Any person, firm or
10 corporation violating the provisions of this section shall be
11 deemed guilty of a misdemeanor and on conviction thereof
12 shall be punished by a fine of not less than fifty dollars nor
13 more than one thousand dollars for each offense.

Sect. 59. If any public utility shall do or cause to be done
2 or permit to be done any matter, act or thing in this act
3 prohibited or declared to be unlawful, or shall omit to do any
4 act, matter or thing required to be done by it, such public
5 utility shall be liable to the person, firm or corporation in-
6 jured thereby in treble the amount of the damage sustained
7 in consequence of such violation; provided, that any recov-
8 ery as in this section provided, shall in no manner affect a re-
9 covery by the State of the penalty prescribed for such vio-
10 lation.

Sect. 60. Any officer, agent or employee of any public utility as defined in this act who shall fail or refuse to fill out and return any blanks as required by this act, or shall refuse or fail to answer any question therein propounded, or shall knowingly or wilfully give a false answer to any such question or shall evade the answer to any question where the fact inquired of is within his knowledge or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner or any person authorized to examine the same, any book, paper, account, record or memoranda of such public utility which is in his possession or under his control or who shall fail to properly use and keep his system of accounting or any part thereof as prescribed by the commission, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the commission or its authorized representative, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one thousand dollars for each offense. And a penalty of not less than five hundred dollars nor more than one thousand dollars shall be recovered from the public utility for each such offense when such officer, agent or employee acted in obedience to the direction, instruction or request of such public utility or any general officer thereof.

Sect. 61. If any public utility shall violate any provision of this act, or shall do any act therein prohibited or shall fail or refuse to perform any duty enjoined upon it for which a

4 penalty has not been provided, or shall fail or refuse to obey
5 any lawful requirement or order made by the commission or
6 any judgment or decree made by any court upon its applica-
7 tion, for every such violation, failure or refusal such public
8 utility shall forfeit and pay into the treasury a sum not less
9 than one hundred dollars nor more than one thousand for
10 each offense. In construing and enforcing the provisions of
11 this section the act, omission or failure of an officer, agent
12 or other person acting for or employed by any public utility
13 acting within the scope of his employment shall in every case
14 be deemed to be the act, omission or failure of such public
15 utility.

Sect. 62. Every day during which any public utility or any
2 officer, agent or employee thereof shall fail to observe and
3 comply with any order or direction of the commission or to
4 perform any duty enjoined by this act shall constitute a sep-
5 arate and distinct violation of such order or direction of this
6 act as the case may be.

Sect. 63. The commission shall have power, when deemed
2 by it necessary to prevent injury to the business or interests
3 of the people or any public utility of this State in case of any
4 emergency to be judged of by the commission, to temporarily
5 alter, amend, or with the consent of the public utility con-
6 cerned, suspend any existing rates, schedules and order re-
7 lating to or affecting any public utility in this State. Such
8 rates so made by the commission shall apply to one or more
9 of the public utilities in this State or to any portion thereof

10 as may be directed by the commission, and shall take effect
11 at such time and remain in force for such length of time as
12 may be prescribed by the commission.

Sect. 64. Whenever, after hearing and investigation as
2 provided in this act, the commission shall find that any rate,
3 toll, charge, regulation or practice for, in, or affecting or re-
4 lating to any service to be performed by any public utility
5 not hereinbefore specified and designated, is unreasonable
6 or unjustly discriminatory, it shall have the power to reg-
7 ulate the same as provided in Section 23 to 31 and 39 to 41
8 inclusive.

Sect. 65. Every public utility shall, whenever an accident
2 attended with loss of human life occurs within this State
3 upon its premises or directly or indirectly arising from or
4 connected with its maintenance or operation, give immedi-
5 ate notice thereof to the commission. In the event of any
6 such accident the commission, if it deem the public interest
7 require it, shall cause an investigation to be made forthwith,
8 which investigation shall be held in the locality of the acci-
9 dent, unless for greater convenience of those concerned it
10 shall order such investigation to be held at some other place;
11 and such investigation may be adjourned from place to place
12 as may be found necessary and convenient. The commis-
13 sion shall seasonably notify the public utility of the time and
14 place of the investigation.

Sect. 66. The commission shall inquire into any neglect or
2 violation of the laws of the State by any public utility doing
3 business therein, or by the officers, agents or employees there-

4 of or by any person operating the plant of any public utility,
5 and shall have the power and it shall be its duty to enforce
6 the provisions of this act as well as other laws relating to
7 public utilities, and to report all violations thereof to the at-
8 torney general. Upon the request of the commission it shall
9 be the duty of the attorney general or the county attorney
10 of the proper county to aid in any investigation, hearing or
11 trial had under the provisions of this act, and to institute
12 and prosecute all necessary actions or proceedings for the
13 enforcement of this act and of all other laws of this State
14 relating to public utilities and the punishment of all viola-
15 tions thereof. Any forfeiture or penalty herein provided
16 shall be recovered and suit therein be brought in the name
17 of the State of Maine in the Supreme Judicial Court in the
18 county where the main office of the public utility is located
19 or in Kennebec County. Complaint for the collection of any
20 such forfeiture may be made by the commission or any
21 member thereof, and when so made the action so com-
22 menced shall be prosecuted by the attorney general. The
23 commission shall have authority to employ counsel in any
24 proceeding, investigation or hearing or trial.

Sect. 67. A substantial compliance with the requirements
2 of this act shall be sufficient to give effect to all the rules,
3 orders, acts and regulations of the commission and they
4 shall not be declared inoperative, illegal or void for any
5 omission of a technical nature in respect thereto.

Sect. 68. This act shall not have the effect to release or

2 waive any right of action by the state or by any person for
3 any right, penalty or forfeiture which may have arisen or
4 which may hereafter arise, under any law of this state; and
5 all penalties and forfeitures accruing under this act shall be
6 cumulative and a suit for any recovery of one shall not be a
7 bar to the recovery of any other penalty.

Sect. 69. Unless the commission shall otherwise order, it
2 shall be unlawful for any public utility within the State to
3 demand, collect or receive a greater compensation for any
4 service than the charge fixed on the lowest schedule of rates
5 for the same service on the first day of July, A. D. 1911.
6 Every public utility in this State shall within thirty days
7 after this act shall take effect, file in the office of the com-
8 mission, copies of all schedules of rates and charges includ-
9 ing joint rates in force on the first day of July, A. D. 1911
10 and all rates in force at any time subsequent to said date.
11 Any public utility desiring to advance or discontinue any
12 such rate or rates may make application to the commission
13 in writing stating the advance in or the discontinuation of the
14 rate or rates desired, giving the reasons for such advance or
15 discontinuation. Upon receiving such application the com-
16 mission shall fix a time and place for hearing and give such
17 notice to interested parties as it shall deem proper and rea-
18 sonable. If, after such hearing and investigation, the com-
19 mission shall find that the charge or discontinuation applied
20 for is reasonable, fair and just, it shall grant the application
21 in whole or in part. Any public utility being dissatisfied

22 with any order of the commission made under the provisions
23 of this section may commence an action against it in the Su-
24 preme Judicial Court in the manner provided in sections 43
25 to 53 inclusive in this act, which action shall be tried and de-
26 termined in the same manner as is provided in said sections.

Sect. 70. Any public utility now organized and existing,
2 and doing business in the State of Maine or hereafter incor-
3 porated under and by virtue of the laws of the State of
4 Maine, may issue stocks, bonds, notes or other evidences of
5 indebtedness payable at periods of more than twelve (12)
6 months after the date thereof, for the acquisition of prop-
7 erty or construction, completion, extension or improvement
8 of its facilities, or for the improvement or maintenance of its
9 service, or for the discharge or lawful refunding of its obli-
10 gations, provided, and not otherwise, that, upon written ap-
11 plication, setting forth such information as the commission
12 may require, there shall have been secured from the commis-
13 sion an order authorizing such issue and the amount
14 thereof, and stating that in the opinion of the commission
15 the sum of the capital to be secured by the issuance of said
16 stocks, bonds, notes or other evidence of indebtedness is re-
17 quired in good faith for said purpose of the corporation, but
18 this provision shall not apply to any stocks or bonds or other
19 evidence of indebtedness heretofore lawfully authorized or
20 issued. For the purpose of enabling the commission to de-
21 termine whether it should issue such an order, the commis-
22 sion shall make such inquiry or investigation, hold such hear-

23 ings and examine such witnesses, books, papers, documents
24 or contracts as it may deem of importance in enabling it to
25 reach a determination. No order of the commission author-
26 izing the issue of any stocks, bonds, notes or other evidence
27 of indebtedness shall limit or restrict the power of the com-
28 mission in determining and fixing any rate, fare, toll, charge,
29 classification schedule or joint rate as provided in this act.

Sect. 71. No public utility shall issue any stocks, certifi-
2 cates of stock, bonds or other evidences of indebtedness, un-
3 less payable within one year from date thereof for money,
4 property or services in payment for the same, either directly
5 or indirectly, until there shall have been recorded upon the
6 books of such public utility the certificate of the commission
7 herein provided for.

Sect. 72. No public utility shall declare any stock, bond
2 or scrip dividend or divide the proceeds of the sale of any
3 stock, bond or scrip, among stockholders without consent of
4 the commission.

Sect. 73. In case of the consolidation, under any law of
2 Maine, of any two or more public utilities, the aggregate
3 amount of the capital stock, and the aggregate amount of
4 the debt of the consolidated companies, shall not, by reason
5 of such consolidation be increased, but this provision shall
6 not conflict with any rights granted to public utilities under
7 section 70.

Sect. 74. Any public utility as hereby defined, or any
2 agent, director or officer thereof who shall directly or indi-

3 rectly, issue or cause to be issued any stock, certificates of
4 stock, bonds or other evidences of indebtedness contrary to
5 the provisions of this act, or who shall apply the proceeds
6 from the sale thereof to any other purpose than that speci-
7 fied in the certificate of the commission, as herein provided,
8 shall be guilty of a felony and upon conviction thereof shall
9 be imprisoned in the states prison for not less than one year
10 or more than ten years. All stocks, bonds or other evidences
11 of indebtedness issued contrary to the provisions of this act
12 shall be void.

Sect. 75. Each and every director, president, secretary,
2 managing officer or officers, or other officials of any public
3 utility, who shall make any false statement to secure the is-
4 sue of any stock, bond or other evidence of indebtedness, or
5 who shall, by false statement knowingly make, or procure of
6 the commission the making of the certificate herein provided,
7 or issue with knowledge of such fraud, negotiate, or cause to
8 be negotiated any such stock, certificate of stock, bond or
9 other issue in violation of this act, shall be guilty of a fel-
10 ony, and upon conviction thereof, shall be fined not less than
11 five hundred dollars, and be imprisoned in the state peniten-
12 tiary for not less than one year or more than ten years.

Sect. 76. No public utility shall apply to the legislature to
2 grant it any right or privilege which the public utility com-
3 mission has power to grant to said utility until said utility
4 shall first have exhausted its rights before said commission,
5 and in making such application to the legislature said utility

6 shall make a statement in writing which shall accompany the
7 proposed legislation, that it has applied to said commission
8 for the right or privilege asked for and that said commis-
9 sion has denied its request.

Sect. 77. The commission shall have the right to employ
2 such expert assistance as is necessary in making investiga-
3 tions or in otherwise carrying out the provisions of this act
4 and a sum sufficient to carry out said provisions is hereby
5 appropriated out of any money in the State Treasury, not
6 otherwise appropriated.

Sect. 78. All acts and parts of acts conflicting with the pro-
2 visions of this act are repealed in so far as they are incon-
3 sistent herewith.