

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

SEVENTY-SIXTH LEGISLATURE

---

HOUSE NO. 11

---

*House of Representatives, Jan. 13, 1913.*

*Tabled pending reference to a Committee, by Mr. Wheeler  
of Paris, and ordered printed.*

*W. R. ROIX, Clerk.*

---

STATE OF MAINE

---

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

---

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 three 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 Au-  
6 gusta and suitable rooms for hearing in which its records  
7 shall be kept and may, under the direction of the Governor  
8 and Council and with their consent expend such sums of  
9 money as are necessary in the purchase of books, maps, sta-

tionery and office furniture and supplies and in procuring statistics and information and in defraying expenses incidental and necessary to the discharge of its duties. A statement of such expenses shall accompany its annual report. Said board shall also have a clerk and an assistant clerk, both of whom shall be appointed by the Governor on the recommendation of the board. The clerk shall keep a full and minute record of the proceedings of the board which shall at all times be subject to public inspection. The assistant clerk shall assist the clerk in the performance of his duties and in the absence of the clerk shall have the same powers as the clerk.

Sect. 2. The office of the Railroad Commissioner and the boards created and known as the Railroad Commissioners and the State Water Storage Commission, are hereby abolished and the tenure of office of all clerks, and officers connected with said boards is hereby terminated. And all of the powers now vested in said boards together with all the duties and privileges now imposed or conferred upon said boards by and under existing laws are hereby imposed and conferred upon the Public Utilities Commission of Maine, hereby created. All proceedings pending before Railroad Commissioners or before the State Water Storage Commission at the time this act takes effect shall be transferred to the docket of the Public Utilities Commission of Maine, and be re-heard or decided by it as justice may require. All the existing decisions, orders and decrees of the Rail-

road Commission in force when this act takes effect shall continue in force as though previously decided by the Public Utilities Commission of Maine.

Sect. 3. One member of said commission shall be designated by the Governor as chairman. The annual salary of each member of said commission shall be five thousand dollars, and the commissioners, their assistants, clerks or employees, shall receive actual traveling expenses when traveling on the business of the state. The chairman of the commission first appointed shall hold office for seven years and the other members thereof shall hold office for five and three years respectively, and the term of each shall be designated by the Governor when making the appointment. All members thereafter appointed shall hold office for seven years.

Sect. 4. Two commissioners shall constitute a quorum to transact business. The Governor and Council shall fill any vacancy occurring on said commission in the same way as by original appointment, but such appointment shall be only for the unexpired portion of the term in which the vacancy occurs.

Sect. 5. The commission may adopt reasonable and proper rules and regulations governing its proceedings and the mode and manner of all investigations, audits, inspection and hearings, and fix and determine the salaries and compensation of its clerks, assistants and employees.

Sect. 6. The term "commission" when used in this act means "the Public Service Commission of Maine." The

3 term "commissioner" means one of the members of said  
4 commission. The term "public utility" as used in this act  
5 shall mean and embrace every individual, association of in-  
6 dividuals, corporation, company, city, town, village, munici-  
7 pal or quasi-municipal corporation, their lessees, trustees or  
8 receivers that now or hereafter may own, operate, manage  
9 or control any boat or vessel on inland waters or railroad,  
10 either operated for freight business or passenger business  
11 or both, whether propelled by steam or otherwise; or may  
12 conduct a parlor, sleeping, heating or refrigerator car busi-  
13 ness; or that may conduct an express business or be engaged  
14 in the conveyance of telephone or telegraph messages or the  
15 production, transmission, delivery or furnishing of gas, elec-  
16 tricity, heat, light, water or power, to the public.

Sect. 7. Every public utility is required to furnish reason-  
2 ably adequate service and facilities. The charge made by  
3 any public utility for any service rendered by it shall be  
4 reasonable and just, taking into due consideration the fair  
5 value of all its property with a fair return thereon, rights,  
6 and a plant as a going concern, business risk and deprecia-  
7 tion, and every unjust or unreasonable charge for such ser-  
8 vice is prohibited 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  
4 all such books, accounts, papers and records relating to the  
5 business in the state as shall be required by the commission

6 to be kept within the state. No books, accounts, papers or  
7 records required by the commission to be kept within the  
8 state shall be at any time removed from the state, except  
9 upon such conditions as may be prescribed by the commis-  
10 sion.

Sect. 9. The accounts shall be closed annually on the 30th  
2 day of June and the balance sheet of that date promptly  
3 taken therefrom. On or before the first day of October  
4 following such balance sheet together with such other in-  
5 formation as the commission shall prescribe, verified by an  
6 officer of the public utility, shall be filed with the com-  
7 mission.

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 the  
6 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 Septem-  
10 ber 1st, 1913.

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 said public utility where payments are made by  
5 the consumers or users, open to the public under such rules  
6 and regulations as may be determined by the commission.

Sect. 13. Where a schedule of joint rates or charges is  
2 or 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  
6 to take effect; provided that the commission, upon the appli-  
7 cation of any public utility, may prescribe a less time within  
8 which any such change may be made.

Sect. 15. Copies of all new schedules shall be filed as  
2 hereinbefore provided in every station and office of such  
3 public utility where payments are made by customers or  
4 users ten days prior to the time the same are to take effect,  
5 unless 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 com-  
3 pensation except as otherwise provided in section ten of

4 this act for any service performed by it within the state or  
5 for any service in connection therewith than is specified in  
6 such printed schedules, including schedules of joint rates,  
7 as may at the time be in force, or to demand, collect or re-  
8 ceive any rate, toll or charge not specified in such schedule.  
9 The rates, tolls and charges named therein shall be the law-  
10 ful rates, tolls and charges until the same are changed as  
11 provided in this act. The commission may prescribe such  
12 changes in the form in which the schedules are issued by  
13 any public utility as may be found to be expedient.

Sect. 17. The commission shall provide for a comprehen-  
2 sive classification of the service for each public utility and  
3 such classification may take into account the quantity used,  
4 the time when used, the purpose for which used and any  
5 other reasonable consideration. Each public utility is re-  
6 quired 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  
2 person or persons employed by the commission for that pur-  
3 pose shall, upon demand, have the right to inspect the books,  
4 accounts, papers, records and memoranda of any public util-



5 ity in relation to its business and affairs and to take copies  
6 thereof. Any person other than one of said commissioners  
7 who shall make such demand shall produce his authority to  
8 make such inspection. Such person or persons so employed  
9 shall not directly or indirectly divulge any information so  
10 derived to any one except to the commission or under direc-  
11 tion of the commission. Any person violating the pro-  
12 visions of this section shall be punished by a fine of not  
13 more than one thousand dollars and by imprisonment for  
14 not more than one year.

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, accounts, papers  
6 or records kept by said public utility and within its control  
7 in any office or place outside of the State of Maine, or veri-  
8 fied copies thereof instead, if the commission shall so order,  
9 in order that an examination thereof may be made by the  
10 commission or under its direction. Any public utility fail-  
11 ing or refusing to comply with any such order or subpoena  
12 shall, for each day it shall so fail or refuse, forfeit and pay  
13 into the state treasury a sum not less than fifty dollars nor  
14 more than five hundred dollars to be recovered by the state  
15 in an action of debt, which may be instituted by said com-  
16 mission, or by indictment.

Sect. 21. Every public utility shall furnish to the com-

2 mission all information necessary to carry into effect the  
3 provisions of this act, and in case it is unable to furnish  
4 such information it shall give a good and sufficient reason  
5 for such failure and the reason for such failure shall be  
6 verified under oath by the president, clerk, superintendent  
7 or general manager of such public utility and returned to  
8 the commission at its office within the time fixed by the  
9 commission.

Sect. 22. Upon a complaint made against any public util-  
2 ity, by twenty-five persons, firms, corporations or associa-  
3 tions, aggrieved, that any of the rates, tolls, charges, or  
4 schedules or any joint rate or rates of any public utility are  
5 in any respect unreasonable or unjustly discriminatory, or  
6 that any regulation, measurement, practice or act of said  
7 public utility is in any respect unreasonable, insufficient or  
8 unjustly discriminatory, or that any service is inadequate  
9 or cannot be obtained, the commission, being satisfied that  
10 the petitioners are responsible and that a hearing is expedi-  
11 ent, shall proceed, with or without notice, to make such in-  
12 vestigation as it may deem necessary. But no order affect-  
13 ing said rates, tolls, charges, schedules, regulations, meas-  
14 urements, practice or act complained of shall be entered by  
15 the commission without a formal public hearing.

Sect. 23. 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 given  
4 the commission may proceed to set a time and place for a

5 hearing and investigation as hereinafter provided.

Sect. 24. The commission shall give the public utility and  
2 the complainant if any at least twenty days notice of the  
3 time and place when and where such formal public hearing  
4 will be held and such matters considered and determined.  
5 Both the public utility and the complainant shall be entitled  
6 to be heard and have process to enforce the attendance of  
7 witnesses.

Sect. 25. If upon such formal public hearing the rates,  
2 tolls, charges, schedules or joint rates, shall be found to be  
3 unjust, unreasonable, insufficient or unjustly discriminatory  
4 or otherwise in violation of the provisions of this act, the  
5 commission shall have power to fix and order substituted  
6 therefor such rate or rates, tolls, charges or schedules as  
7 shall be just and reasonable. If upon such public hearing  
8 it shall be found that any regulation, measurement, practice,  
9 act or service complained of is unjust, unreasonable, insuffi-  
10 cient, unjustly discriminatory or otherwise in violation of  
11 any of the provisions of this act, or if it may be found that  
12 any service is inadequate or that any reasonable service can-  
13 not be obtained, the commission shall have power to estab-  
14 lish and substitute therefor such other regulations, meas-  
15 urements, practice, service, or acts and to make such order  
16 respecting and such changes in such regulations, measure-  
17 ments, practice, service and acts as shall be just and reason-  
18 able.

Sect. 26. All public utilities to which the order applies

2 shall make such changes in their schedules on file as may  
3 be necessary to make the same conform to said order, and  
4 no change thereafter shall be made by any public utility in  
5 any 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 com-  
10 mission shall prescribe.

Sect. 27. The commission may, in its discretion, when  
2 complaint is made of more than one rate or charge, order  
3 separate hearings thereon, and may consider and determine  
4 the several matters complained of separately and at such  
5 times as it may prescribe.

Sect. 28. Whenever the commission believes that any rate  
2 or charge is unjust or unreasonable or that any service is  
3 inadequate 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. 29. If, after making such investigation, the com-  
2 mission becomes satisfied that sufficient grounds exist to  
3 warrant a formal public hearing being ordered as to mat-  
4 ters so investigated, it shall furnish such public utility inter-  
5 ested a statement notifying the public utility of the matters  
6 under investigation. Ten days after such notice has been  
7 given the commission may proceed to set a time and place

8 for a formal public hearing and an investigation as herein-  
9 before provided.

Sect. 30. 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  
4 provided in section 24 of this act, and thereafter proceed-  
5 ings shall be had and conducted in reference to the matter  
6 investigated in like manner as though complaint had been  
7 filed with the commission relative to the matter investigated,  
8 and the same order or orders may be made in reference  
9 thereto as if such investigation had been made on complaint.

Sect. 31. Any public utility may make complaint as to any  
2 matter affecting its own product or service with like effect  
3 as though made by any twenty-five persons, firms, corpo-  
4 rations or associations.

Sect. 32. Each of the commissioners for the purposes  
2 mentioned in this act shall have power to administer oaths,  
3 certify to official acts, issue subpoenas, compel the attend-  
4 ance of witnesses and the production of books, accounts,  
5 papers, documents and testimony. In case of disobedience  
6 on the part of any person or persons to comply with the  
7 order of the commission or any commissioner or any sub-  
8 poena, or in the refusal of any witness to testify to any  
9 matter regarding which he may be lawfully interrogated be-  
10 fore the commission, it shall be the duty of any judge of  
11 the supreme judicial court, on application of a commis-  
12 sioner, to compel obedience by proceedings for contempt as

13 in the case of disobedience of the requirements of a sub-  
14 poena issued from such court or a refusal to testify therein.

Sect. 33. Each witness who shall appear before the com-  
2 mission by its order, shall receive for his attendance the  
3 fees and mileage provided for witnesses in civil cases in the  
4 supreme judicial court, which shall be audited and paid by  
5 the state in the same manner as other state expenses are  
6 audited and paid, upon the presentation of proper vouchers  
7 sworn to by such witnesses and approved by the chairman  
8 of the commission. No witness subpoenaed at the instance  
9 of any party other than the commission shall be entitled to  
10 compensation from the state for attendance or travel unless  
11 the commission shall certify that his testimony was material  
12 to the matter investigated.

Sect. 34. The commission or any party may in any formal  
2 public hearing use the deposition of witnesses residing with-  
3 in or without the state, such depositions to be taken in the  
4 manner prescribed by law for taking depositions in civil  
5 actions in the supreme judicial court.

Sect. 35. A full and complete record shall be kept of all  
2 proceedings had before the commission of any investiga-  
3 tion or formal public hearing and all testimony shall be  
4 taken by a stenographer appointed by the commission.

Sect. 36. Whenever any notice of appeal from its decision  
2 is served upon the commission under the provisions of sec-  
3 tion 40 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 at such formal public  
6 hearing to be filed with the clerk of the supreme judicial  
7 court of the county where the action is pending.

Sect. 37. A transcribed copy of the evidence and proceed-  
2 ings or **any specific part thereof, taken at any formal public**  
3 hearing by the stenographer appointed by the commission,  
4 being certified by such stenographer to be a true and correct  
5 transcript of all testimony at such hearing or of a particular  
6 witness, or of other specific part thereof, carefully compared  
7 by him with his original notes, and to be a correct state-  
8 ment of evidence and proceedings had on such hearing so  
9 purporting to be taken and transcribed, shall be received  
10 in evidence with the same effect as if the reporter were  
11 present and testified to the fact so certified. A copy of  
12 such transcript shall be furnished free of cost to any party  
13 to such hearing, on demand.

Sect. 38. The commission may at any time, upon notice  
2 to the public utility and after opportunity to be heard as  
3 provided in section 24, rescind, alter or amend any order  
4 fixing any rate or rates, tolls, charges or schedules or any  
5 other order made by the commission, and certified copies  
6 of the same shall be served and take effect as herein pro-  
7 vided for original orders.

Sect. 39. 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 40 of this act.

Sect. 40. Any public utility and any person or cor-  
2 poration in interest being dissatisfied with any order of the  
3 commission fixing any rate or rates, tolls, charges, sched-  
4 ules, joint rate or rates, or any order fixing any regulations,  
5 practices, acts or services may bring a bill in equity in the  
6 supreme judicial court in the county where the Maine office  
7 of the public utility is located, or in Kennebec county,  
8 against the commission as defendant to vacate, amend, or  
9 set aside any such order on the ground that the rate or  
10 rates, tolls, charges, schedules, joint rate or rates, regula-  
11 tions, practices, acts or services fixed in such order are un-  
12 just or unreasonable, in which action the commission shall  
13 be made party to such bill, which shall be brought and  
14 served like other bills in equity. The answer of the com-  
15 mission to the bill shall be filed within 30 days after service,  
16 whereupon said action shall be at issue and stand ready for  
17 trial upon 30 days' notice to either party. All such actions  
18 shall have precedence over any cause of a different nature  
19 pending in said court, and the court shall always be deemed  
20 open for the trial thereof, and the same shall be tried and  
21 determined as other actions in equity.

Sect. 41. Every proceeding, action or suit to set aside,  
2 vacate or amend any determination or order of the com-  
3 mission or to enjoin the enforcement thereof, or to prevent



4 in any way such order or determination from becoming  
5 effective shall be commenced, and every appeal to the court  
6 or right of recourse to the court shall be taken or exercised  
7 within ninety days after the entry or rendition of such order  
8 proceeding or suit, or to take or exercise any such appeal or  
9 right of recourse to the court, shall terminate absolutely at  
10 the end of such ninety days after such entry or rendition.

Sect. 42. 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, notice  
4 to the commission and hearing.

Sect. 43. 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 commission, or additional thereto, the court, before pro-  
5 ceeding to render judgment unless the parties to such action  
6 stipulate in writing to the contrary shall transmit a copy of  
7 such evidence to the commission and stay further proceed-  
8 ings in said action for fifteen days from the date of such  
9 transmission.

Sect. 44. Upon receipt of such evidence the commission  
2 shall consider the same and may alter, modify, amend or  
3 rescind its orders relating to such rate or rates, tolls, charges,  
4 schedules, joint rate or rates, regulations, practices, acts, or  
5 services complained of in said action, and shall report its  
6 action thereon to said court within ten days from the re-  
7 ceipt of such evidence.

Sect. 45. If the commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission judgment shall be rendered upon such original order.

Sect. 46. Either party to said action may appeal to the law court, and such appeal shall be governed by the general rules of equity practice and procedure.

Sect. 47. In all trials, actions, and proceedings arising under the provisions of this act or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction or order of said commission complained of as unreasonable, unjust, or unlawful as the case may be. And in all original proceedings before said commission where an increase in rates, tolls, charges, or schedules or joint rate or rates is complained of, the burden of proof shall be upon the public utility to show that such increase is just and reasonable.

Sect. 48. In all actions and proceedings in court arising under this act all processes shall be served and the practice and rules of evidence shall be the same as in civil actions, except as otherwise herein provided. Every sheriff or other

5 officer empowered to execute civil processes shall execute  
6 any process issued under the provisions of this act and shall  
7 receive such compensation therefor as may be prescribed by  
8 law for similar service.

Sect. 49. No person shall be excused from testifying or  
2 from producing books, accounts and papers in any pro-  
3 ceedings based on or growing out of the provisions of this  
4 act on the ground that the testimony or evidence, document-  
5 ary or otherwise, required of him may tend to incriminate  
6 him or subject him to a penalty or forfeiture; but no person  
7 having so testified shall be prosecuted or subjected to any  
8 penalty or forfeiture for or on account of any transaction,  
9 matter or thing concerning which he may have testified or  
10 produced any documentary evidence; provided however,  
11 that no persons so testifying shall be exempt from prose-  
12 cution or punishment for perjury.

Sect. 50. 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  
4 the facts stated therein.

Sect. 51. Section 1 of chapter 55 of the Revised Statutes  
2 is hereby amended by striking out the words "special act  
3 of the legislature" and inserting 'consent of said public utili-  
4 ties commission,' so that said section as amended shall read  
5 as follows:

'Section 1. Corporations for the operation of telegraphs  
7 or telephones, and corporations for the operation of both

8 telegraphs and telephones, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, in any city or town or two or more adjoining cities or towns, within the state, or for either or any of such purposes, may be organized under the provisions of sections five to ten inclusive of chapter forty-seven, but no corporation, so organized, individual or association shall have authority, without consent of said public utilities commission, to make, generate, sell, distribute or supply gas or electricity, or both, for any purpose, in or to any city or town, in or to which another company, person or firm are making, generating, selling, distributing or supplying, or are authorized to make, generate, sell, distribute or supply gas or electricity, or both.'

Sect. 52. No such consent and no license permit or franchise shall be granted to any person, association or corporation to own, operate, manage or control plants or equipments for the purpose of making, generating, selling, distributing and supplying gas or electricity or both for lighting, heating, manufacturing, power or mechanical purposes or for the purpose of supplying water in any city or town where there is in operation a public utility engaged in similar service, until said commission has made a declaration after a public hearing of all parties interested that public convenience and necessity requires such second public utility.

Sect. 53. No permit or franchise to own, operate, manage

2 or control any plant or equipment for the production, trans-  
3 mission, delivery or furnishing of heat, light, water or power  
4 shall be hereafter granted or transferred to a corporation  
5 unless said corporation is duly organized under the laws of  
6 the State of Maine.

Sect. 54. It shall be unlawful for any public utility to  
2 demand, charge, collect or receive from any person, firm  
3 or corporation less compensation for any service rendered  
4 or to be rendered by said public utility in consideration of  
5 the furnishing by said person, firm or corporation of any  
6 part of the facilities incident thereto, provided that nothing  
7 herein shall be construed as prohibiting any public utility  
8 from renting any facilities incident to the production, trans-  
9 mission, delivery or furnishing of heat, light, water or power  
10 or the conveyance of telephone messages and paying a rea-  
11 sonable rental therefor, or as requiring any public utility to  
12 furnish any part of such appliances which are situated in  
13 or upon the premises of any consumer or user, except tele-  
14 phone station equipments upon the subscribers' premises,  
15 and unless otherwise ordered by the commission, meters,  
16 and appliances for measurement of any product or service.  
17 And provided further that nothing herein shall affect sched-  
18 uled classifications of telephone service wherein separate  
19 charges are made for facilities and for service or scheduled  
20 classifications of rural telephone service wherein a portion  
21 of the facilities are regularly furnished by the user of the  
22 service.

Sect. 55. If any public utility make or give any undue or  
2 unreasonable preference or advantage to any particular per-  
3 son, firm or corporation or any undue or unreasonable preju-  
4 dice or disadvantage in any respect whatever, such public  
5 utility shall be deemed guilty of unjust discrimination which  
6 is hereby prohibited and declared unlawful.

Sect. 56. 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  
5 in connection therewith whereby any such service shall have  
6 any device whatsoever, or otherwise be rendered free or at  
7 a less rate than named in the schedules and tariffs in force  
8 as provided herein, or whereby any service or advantage is  
9 received other than is herein specified, provided this act  
10 shall not prohibit such free or reduced rate transportation  
11 by common carriers as is defined and provided for in the  
12 Acts of Congress, entitled "An Act to regulate commerce,"  
13 and acts amendatory thereof; nor shall it be construed to  
14 prohibit any public utility from granting service at reduced  
15 rates for charitable and benevolent purposes, provided the  
16 same be approved by the commission, nor shall it be un-  
17 lawful for any utility to perform its existing term contracts  
18 or to make special rates to employees in the case of electric,  
19 gas, telephone, telegraph and water companies or in cases  
20 of emergency service. Any person, firm or corporation  
21 violating the provisions of this section shall be deemed

22 guilty of a misdemeanor and on conviction thereof shall  
23 be punished by a fine of not more than one thousand dollars  
24 for each offense.

Sect. 57. 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  
4 any act, matter or thing required to be done by it, such  
5 public utility shall be liable in damages to the person, firm  
6 or corporation injured thereby; provided, that any recovery  
7 as in this section provided, shall in no manner affect a  
8 recovery by the state of the penalty prescribed for such  
9 violation.

Sect. 58. Any officer, agent or employee of any public  
2 utility as defined in this act who shall wilfully fail or refuse  
3 to fill out and return any blanks as required by this act, or  
4 shall wilfully refuse or fail to answer any question therein  
5 propounded, or shall knowingly or wilfully give a false  
6 answer to any such question or shall wilfully evade the  
7 answer to any question where the fact inquired of is within  
8 his knowledge or who shall, upon proper demand, wilfully  
9 fail or refuse to exhibit to the commission or any com-  
10 missioner or any person authorized to examine the same,  
11 any book, paper, account, record or memorandum of such  
12 public utility which is in his possession or under his con-  
13 trol or who shall wilfully fail to properly use and keep his  
14 system of accounting or any part thereof as prescribed by  
15 the commission, or who shall wilfully refuse to do any act

16 or thing in connection with such system of accounting when  
17 so directed by the commission shall be deemed guilty of a  
18 misdemeanor and upon conviction thereof shall be punished  
19 by a fine not exceeding one thousand dollars for each offense.  
20 And a penalty of not more than one thousand dollars shall  
21 be recovered from the public utility for each such offense  
22 when such officer, agent, or employee acted in obedience to  
23 the direction, instruction or request of such public utility  
24 or any general officer thereof.

Sect. 59. If any public utility shall wilfully violate any  
2 provision of this act, or shall do any act therein prohibited  
3 or shall fail or refuse to perform any duty enjoined upon  
4 it for which a penalty has not been provided, or shall fail  
5 or refuse to obey any lawful requirement or order made  
6 by the commission or any judgment or decree made by any  
7 court upon its application, for any such violation, failure  
8 or refusal, such public utility shall forfeit and pay into the  
9 treasury a sum not more than one thousand dollars for each  
10 offense. In construing and enforcing the provisions of this  
11 section the act, omission or failure of an officer, agent or  
12 other person acting for or employed by any public utility  
13 acting within the scope of his employment shall in every  
14 case be deemed to be the act, omission or failure of such  
15 public utility.

Sect. 60. Every day during which any public utility or  
2 any officer, agent or employee thereof shall wilfully fail to  
3 observe and comply with any order of the commission or



4 to perform any order of the commission or to perform any  
5 duty enjoined by this act shall constitute a separate and  
6 distinct violation of such order as the case may be.

Sect. 61. The commission shall have power, when deemed  
2 by it necessary to prevent injury to the business or inter-  
3 ests of the people or any public utility of this state in case  
4 of any emergency to be judged of by the commission, to  
5 temporarily alter, amend or with the consent of the public  
6 utility concerned, suspend any existing rates, schedules and  
7 orders relating to or affecting any public utility in this state.  
8 Such rates so made by the commission shall apply to one  
9 or more of the public utilities in this state or to any por-  
10 tion thereof as may be directed by the commission, and  
11 shall take effect at such time and remain in force for such  
12 length of time as may be prescribed by the commission.

Sect. 62. Whenever, after formal public hearing as pro-  
2 vided in this act, the commission shall find that any rate,  
3 toll, charge, regulation or practice for, in, or affecting or  
4 relating 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 sections 22 to 40 inclusive.

Sect. 63. 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 deems that the public  
7 interest requires it, shall cause an investigation to be made  
8 forthwith, which investigation shall be held in the locality  
9 of the accident, unless for greater convenience of those  
10 concerned it shall order such investigation to be held at  
11 some other place; and such investigation may be adjourned  
12 from place to place as may be found necessary and con-  
13 venient. The commission shall seasonably notify the pub-  
14 lic utility of the time and place of the investigation and  
15 such public utility may then be heard. Section 65 of chap-  
16 ter 52 of the Revised Statutes is hereby repealed.

Sect. 64. The commission shall inquire into any neglect  
2 or violation of the laws of the state by any public utility  
3 doing business therein, or by the officers, agents or employes  
4 thereof or by any person operating the plant of any public  
5 utility, and shall have the power and it shall be its duty to  
6 enforce the provisions of this act and all other laws relating  
7 to public utilities, and to report all violations thereof to the  
8 attorney general. Upon the request of the commission it  
9 shall be the duty of the attorney general or the county  
10 attorney of the proper county to aid in any investigation,  
11 hearing or trial had under the provisions of this act, and  
12 to institute and prosecute all necessary actions or proceed-  
13 ings for the enforcement of this act and of all other laws  
14 of this state relating to public utilities and the punishment  
15 of all violations thereof. Any forfeiture or penalty herein  
16 provided shall be recovered and suit therein be brought in

17 the name of the State of Maine in the supreme judicial court  
18 in the county where the main office of the public utility is  
19 located or in Kennebec county. Complaint for the collec-  
20 tion of any such forfeiture may be made by the commis-  
21 sion or any member thereof, and when so made the action  
22 so commenced shall be prosecuted by the attorney general.  
23 The commission shall have authority to employ counsel in  
24 any proceeding, investigation or trial.

Sect. 65. A substantial compliance with the requirements  
2 of this act shall be sufficient to give effect to all rules, orders,  
3 acts and regulations of the commission and they shall not  
4 be declared inoperative, illegal or void for any omission of  
5 a technical or immaterial nature in respect thereto. The  
6 commission is authorized to remit any fine which in its  
7 judgment justice may require.

Sect. 66. 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.

Sect. 67. Any public utility now organized and existing,  
2 and doing business in the State of Maine or hereafter in-  
3 corporated under and by virtue of the laws of the State  
4 of Maine, may issue stocks, bonds, notes or other evidences  
5 of indebtedness payable at periods of more than twelve  
6 (12) months after the date thereof, for the acquisition of  
7 property or construction, completion, extension or improve-  
8 ment of its facilities, or for the improvement or mainte-

9 nance of its service, or for the discharge or lawful refund-  
10 ing of its obligations, provided, and not otherwise, that  
11 upon written application, setting forth such information as  
12 the commission may require, there shall have been secured  
13 from the commission an order authorizing such issue and  
14 the amount thereof, and stating that in the opinion of the  
15 commission the sum of the capital to be secured by the  
16 issuance of said stocks, bonds, notes or other evidence of  
17 indebtedness is required in good faith for said purpose of  
18 the corporation, but the provisions of this act shall not ap-  
19 ply to any stocks or bonds or other evidence of indebted-  
20 ness heretofore lawfully authorized or issued, provided,  
21 however, that the commission may at the request of any  
22 public utility commission, and, if it sees fit, approve the  
23 issue of any stocks or bonds heretofore authorized, but not  
24 yet issued. For the purpose of enabling the commission  
25 to determine whether it should issue such an order, the  
26 commission shall make such inquiry or investigation, hold  
27 such hearings and examine such witnesses, books, papers,  
28 documents or contracts as it may deem of importance in  
29 enabling it to reach a determination. No order of the  
30 commission authorizing the issue of any stocks, bonds, notes  
31 or other evidence of indebtedness shall limit or restrict the  
32 power of the commission in determining and fixing any  
33 rate, fare, toll, charge, classification schedule or joint rate  
34 as provided in this act. Provided, however, that no cor-  
35 poration subject to the provisions of this act shall be re-

36 quired to apply to the commission for authority to issue  
37 stocks, bonds, notes or other evidence of indebtedness, ex-  
38 cept for the acquisition of property, construction, comple-  
39 tion, extension or improvement of its facilities, or the im-  
40 provement or maintenance of its service within this state,  
41 or the discharge or refunding of its obligations or reim-  
42 bursement of moneys actually expended for such purposes.

Sect. 68. No public utility shall issue any stocks, certifi-  
2 cates, of stock, bonds or other evidences of indebtedness,  
3 unless 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 commis-  
7 sion herein provided for.

Sect. 69. No public utility shall declare any stock, bond  
2 or scrip dividend or divide the proceeds of the sale of its  
3 own or any stock, bond or scrip, among stockholders with-  
4 out consent of the commission.

Sect. 70. Any public utility as hereby defined, or any  
2 agent, director or officer thereof who shall directly or in-  
3 directly, issue or cause to be issued any stock, certificates  
4 of stock, bonds or other evidences of indebtedness contrary  
5 to the provisions of this act, or who shall apply the pro-  
6 ceeds from the sale thereof to any other purpose than that  
7 specified in the certificate of the commission, as herein pro-  
8 vided, shall be guilty of a felony and upon conviction there-  
9 of shall be imprisoned in the states prison for not less than

10 one year or more than ten years. All stocks, bonds or  
11 other evidences of indebtedness issued contrary to the pro-  
12 visions of this act shall be void.

Sect. 71. Each and every director, president, secretary,  
2 managing officer or officers, or other officials of any public  
3 utility, who shall wilfully make any false statement to se-  
4 cure the issue of any stock, bond or other evidence of in-  
5 debtedness, or who shall, by false statement knowingly make,  
6 or procure of the commission the making of the certificate  
7 herein provided, or issue with knowledge of such fraud,  
8 negotiate, or cause to be negotiated any such stock, certifi-  
9 cate of stock, bond or other issue in violation of this act,  
10 shall be guilty of a felony, and upon conviction thereof,  
11 shall be fined not less than five hundred dollars, and be im-  
12 prisoned in the state prison for not less than one year or  
13 more than ten years.

Sect. 72. No public utility shall apply to the legislature  
2 to grant it any right or privilege which the public utility  
3 commission has power to grant to said utility until said  
4 utility shall first have exhausted its rights before said com-  
5 mission, and in making such application to the legislature  
6 said utility shall make a statement in writing which shall  
7 accompany the proposed legislation, that it has applied to  
8 said commission for the rights or privilege asked for and  
9 that said commission has denied its request.

Sect. 73. 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. 74. All acts and parts of acts conflicting with the  
2 provisions of this act are repealed insofar as they are in-  
3 consistent herewith.

Sect. 75. This act shall take effect the first day of July,  
2 1913, or as soon thereafter as the constitution allows, so  
3 far as to authorize the appointment of the members of the  
4 commission, the clerk and assistant clerk and to authorize  
5 the commissioners to qualify, organize, formulate rules, pro-  
6 cure supplies, clerical and other assistants, and data neces-  
7 sary for the commission to immediately enter upon the per-  
8 formance of its duties. All other provisions of this act  
9 shall take effect on the first day of September, 1913. The  
10 appointment of the members of said commission before said  
11 first day of September shall not be construed as an abolish-  
12 ment of the present Railroad Commission and the duties of  
13 said commission shall not be in any manner abridged until  
14 this act is in full force.

Sect. 76. The commission shall have the right to employ  
2 such expert assistants as are necessary in making investi-  
3 gations or otherwise carrying out the provisions of this act  
4 and all expenses of the commission incurred in carrying  
5 out the provisions of this act shall be paid out of the state  
6 treasury.