

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 453

In Senate, March 7, 1913.

Reported by Senator Hersey from Joint Special Committee of Judiciary and Legal Affairs, and ordered printed under joint rules and one thousand extra copies ordered printed.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to create a Public Utilities Commission, prescribe its powers and duties, and provide for the regulation and control of public utilities.

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

PUBLIC UTILITIES COMMISSION ESTABLISHED.

Section 1. The governor with the advice and consent of
2 the council shall appoint three commissioners, one of whom
3 he shall designate as chairman, which said commissioners
4 shall be jointly known as the Public Utilities Commission.
5 Said commission shall adopt and have a seal and be provided
6 with an office at the State House in which its records shall be

Appoint-
ment of
Commis-
sioners.

Office at
State
House.

Equip-
ment.

Report of
Expenses.

Clerk and
Assistant
Clerk and
Duties.

7 kept. Under the direction of the governor and council said
8 commission may expend such sums of money as may be nec-
9 essary for the purchase of books, maps, stationery, office fur-
10 niture and supplies, for procuring statistics and infor-
11 mation and for defraying expenses incidental to the dis-
12 charge of its duties. A statement of such expenses shall
13 accompany its annual report. Said commission shall ap-
14 point a clerk and an assistant clerk. The clerk shall keep
15 a full and minute record of the proceedings of the com-
16 mission which shall be open to public inspection at all times.
17 The assistant clerk shall assist the clerk in the performance
18 of his duties, and in the absence of the clerk shall have the
19 same powers as the clerk.

No member or employee of said board shall have any offi-
21 cial or professional connection or relation with or hold any
22 stock or securities in any public utility as herein defined,
23 operating within the State of Maine, nor shall he render
24 any professional service against any such public utility, nor
25 shall he be a member of a firm which shall render any such
26 service. No commissioner shall hold any other office of
27 profit or trust under the government of the United States
28 or of this state except the office of justice of the peace or
29 notary public, nor shall he serve on or under any committee
30 of any political party. Any wilful violation of the pro-
31 visions of this act by any commissioner shall constitute suf-
32 ficient cause for his removal by the governor with the advice
33 and consent of the council.

Sect. 2. The annual salary of each member of said com-
 2 mission shall be, for the chairman five thousand dollars; and
 3 for each other member four thousand five hundred dollars;
 4 the salary of the clerk shall be twenty-five hundred dollars,
 5 and the salary of the assistant clerk shall be fifteen hundred
 6 dollars; and the commissioners, their clerks and all em-
 7 ployees shall receive actual expenses when travelling on
 8 official business. The chairman of the commission first ap-
 9 pointed shall hold office for seven years, and the other mem-
 10 bers thereof shall hold office for five years and three years
 11 respectively; and the terms of the two latter shall be desig-
 12 nated by the governor when making the appointments. Each
 13 member thereafter appointed shall hold office for seven
 14 years. Any vacancy occurring in said commission shall be
 15 filled in the same manner as by original appointment, but
 16 such appointment shall be only for the unexpired portion
 17 of the term in which such vacancy occurs.

Salaries
and Expen-
ses.Term of
Office.Qualifica-
tions.

Removal.

Sect. 3. The commission shall have the right to employ
 2 such expert, professional, or other assistance as is necessary
 3 in making investigations or in otherwise carrying out the
 4 provisions of this act, and may make all necessary rules and
 5 regulations.

Expert,
Profes-
sional or
other assist-
ance.

Sect. 4. 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 each is conducted; and shall have the right to

Investiga-
tion by the
Commis-
sion.

5 obtain from any public utility all necessary information to
6 enable the commission to perform its duties.

Inspection of
Books, papers,
records, etc.

Sect. 5. The commission or any commissioner or any person or persons employed by the commission for that purpose, shall, upon demand, have the right to inspect the books, accounts, papers, records and memoranda of any public utility in relation to its business and affairs and to take copies thereof. Any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection. Such person or persons so employed shall not directly or indirectly divulge any information so derived to any one except to the commission or under direction of the commission. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars and by imprisonment for not more than one year.

Agent to produce authority.

Information of Commission to be kept secret.

Penalty.

Utilities to furnish information or reasons for failure.

Sect. 6. Every public utility shall furnish the commission with all information necessary to carry into effect the provisions of this act; and in case it is unable to furnish such information it shall give a good and sufficient reason for such failure, and the reason for such failure shall be verified by an officer, owner or agent of such public utility and returned to the commission at its office within the time fixed by the commission.

Commission may require production of books, records, etc.

Sect. 7. The commission may require, by order or subpoena to be served on any public utility in the same manner that a summons is served in a civil action in the su-

4 preme judicial court, the production within this state at such
 5 time and place as it may designate, of any books, accounts,
 6 papers or records kept by said public utility and within its
 7 control in any office or place within or outside the state,
 8 or verified copies thereof instead, if the commission shall
 9 so order, so that an examination thereof may be made by
 10 the commission or under its direction. Any public utility
 11 or any officer, agent or attorney thereof failing or refusing
 12 to comply with any such order or subpoena shall, for each
 13 day it shall so fail or refuse, forfeit and pay into the state
 14 treasury a sum not less than fifty dollars nor more than five
 15 hundred dollars to be recovered by the state in an action
 16 on the case, which may be instituted by the commission in
 17 the name of the state.

Penalty for
failure to
comply
with such
order.

Sect. 8. 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 employees
 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 of 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

Commis-
sion
to investi-
gate Public
Utilities.

Attorney
General and
County At-
torneys to
aid Com-
mission.

Suit to re-
cover pen-
alties.

14 of this state relating to public utilities and to the punishment
15 of all violations thereof. Any forfeiture or penalty herein
16 provided shall be recovered and suit therefor be brought in
17 the name of the state 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 recovery of
20 any 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 trial.

Complaint
by whom
made.

DEFINITIONS.

Commis-
sion.

Sect. 9. The term "commission" when used in this act,
2 means the Public Utilities Commission.

Commis-
sioner.

The term "commissioner" when used in this act, means
4 one of the members of the commission.

Corpora-
tion.

The term "corporation" when used in this act, includes
6 municipal and quasi-municipal corporations.

Person.

The term "person" when used in this act, includes an indi-
8 vidual, a co-partnership and a voluntary association.

Transpor-
tation of
persons.

The term "transportation of persons" when used in this
10 act, includes every service in connection with or incidental
10a to the safety, comfort or convenience of the person trans-
10b ported and the receipt, carriage and delivery of such per-
11 son and his baggage.

Transpor-
tation of
property.

The term "transportation of property" when used in this
13 act, includes every service in connection with or incidental
14 to the transportation of property, including in particular its
15 receipt, delivery, elevation, transfer, switching, carriage,

16 ventilation, refrigeration, icing, dunnage, storage and hand-
 17 ling, and the transmission of credit by express or telegraph
 18 companies.

Street Rail-
road.

The term "street railroad" when used in this act, includes
 20 every railway, and each and every branch or extension there-
 21 of, by whatsoever power operated, being mainly upon, along,
 22 above or below any street, avenue, road, highway, bridge
 23 or public place within any city or town, together with all
 24 real estate, fixtures and personal property of every kind
 25 used in connection therewith, owned, controlled, operated
 26 or managed for public use in the transportation of persons
 27 or property.

The term "street railroad company" when used in this act,
 29 includes every corporation or person, their lessees, trustees,
 30 receivers or trustees appointed by any court whatsoever,
 31 owning, controlling, operating or managing any street rail-
 32 road for compensation within this state.

Street
Railroad
Company.

The term "railroad" when used in this act, includes every
 34 commercial, interurban and other railway other than a street
 35 railroad and each and every branch and extension thereof
 36 by whatsoever power operated, together with all tracks,
 37 bridges, trestles, rights of way, subways, tunnels, stations,
 38 depots, union depots, ferries, yards, grounds, terminals, ter-
 39 minal facilities, structures and equipment and all other real
 40 estate, fixtures and personal property of every kind used
 41 in connection therewith, owned, controlled, operated or man-
 42 aged for public use in the transportation of persons or prop-
 43 erty.

Railroad.

**Railroad
Company.**

The term "railroad company" when used in this act, in-
45 cludes every corporation or person, their lessees, trustees,
46 receivers or trustees appointed by any court whatsoever,
47 owning, controlling, operating or managing any railroad for
48 compensation within this state.

**Express
Company.**

The term "express company" when used in this act, in-
50 cludes every corporation or person, their lessees, trustees,
51 receivers or trustees appointed by any court whatsoever,
52 engaged in or transacting the business of transporting any
53 freight, merchandise or other property for compensation on
54 the line of any common carrier or stage, or auto stage line
55 within this state.

**Common
Carrier.**

The term "common carrier" when used in this act, includes
57 every railroad company, street railroad company, express
58 company, dispatch, sleeping car, dining car, drawing room
59 car, freight, freight line, refrigerator, oil, stock, fruit, car
60 loaning, car renting, car loading and every other car cor-
61 poration or person, their lessees, trustees, receivers or trus-
62 tees appointed by any court whatsoever, operating for com-
63 pensation within this state; and every corporation or per-
64 son, their lessees, trustees, receivers or trustees appointed
65 by any court whatsoever, owning, controlling, operating or
66 managing any vessel regularly engaged in the transportation
67 of persons or property for compensation upon the waters
68 of this state or upon the high seas, over regular routes be-
69 tween points within this state.

Gas Plant.

The term "gas plant" when used in this act, includes all

71 real estate, fixtures and personal property, owned, controlled,
 72 operated or managed in connection with or to facilitate the
 73 production, generation, transmission, delivery or furnishing
 74 of gas for light, heat or power.

The term "gas company" when used in this act, includes Gas
Company.
 76 every corporation or person, their lessees, trustees, receivers
 77 or trustees appointed by any court whatsoever, owning, con-
 78 trolling, operating or managing any gas plant for compen-
 79 sation within this state, except where gas is made or pro-
 80 duced on and distributed by the maker or producer through
 81 private property alone solely for his own use or the use of
 82 his tenants and not for sale to others.

The term "electric plant" when used in this act, includes Electric
Plant.
 84 all real estate, fixtures and personal property owned, con-
 85 trolled, operated or managed in connection with or to facili-
 86 tate the production, generation, transmission, delivery or
 87 furnishing of electricity for light, heat or power, and all
 88 conduits, ducts or other devices, materials, apparatus or
 89 property for containing, holding or carrying conductors used
 90 or to be used for the transmission of electricity for light,
 91 heat or power.

The term "electrical company" when used in this act, in- Electrical
Company.
 93 cludes every corporation or person, their lessees, trustees,
 94 receivers or trustees appointed by any court whatsoever,
 95 owning, controlling, operating or managing any electric
 96 plant for compensation within this state, except where elec-
 97 tricity is generated on or distributed by the producer through

98 private property alone solely for his own use or the use of
99 his tenants and not for sale to others.

Telephone
Line.

The term "telephone line" when used in this act, includes
101 all conduits, ducts, poles, wires, cables, instruments and
102 appliances and all other real estate, fixtures and personal
103 property owned, controlled, operated or managed in con-
104 nection with or to facilitate communication by telephone,
105 whether such communication is had with or without the
106 use of transmission wires.

Telephone
Company.

The term "telephone company" when used in this act, in-
108 cludes every corporation or person, their lessees, trustees,
109 receivers or trustees appointed by any court whatsoever,
110 owning, controlling, operating or managing any telephone
111 line for compensation within this state.

Telegraph
Lines.

The term "telegraph line" when used in this act, includes
113 all conduits, ducts, poles, wires, cables, instruments and ap-
114 pliances and all other real estate, fixtures and personal
115 property owned, controlled, operated or managed in con-
116 nection with or to facilitate communication by telegraph,
117 whether such communication is had with or without the
118 use of transmission wires.

Telegraph
Company.

The term "telegraph company" when used in this act, in-
120 cludes every corporation or person, their lessees, trustees,
121 receivers or trustees appointed by any court whatsoever,
122 owning, controlling, operating or managing any telegraph
123 line for compensation within this state.

Water
Works.

The term "water works" when used in this act, includes

125 all reservoirs, tunnels, shafts, dams, dikes, head-gates, pipes,
 126 flumes, canals, structures and appliances, and all other real
 127 estate, fixtures and personal property, owned, controlled,
 128 operated or managed in connection with or to facilitate the
 129 diversion, development, storage, supply, distribution, sale,
 130 furnishing, carriage, apportionment or measurement of
 131 water for power, irrigation, reclamation or manufacturing,
 132 or for municipal, domestic or other beneficial use.

The term "water company" when used in this act, includes Water
Company.
 134 every corporation or person, their lessees, trustees, receiv-
 135 ers or trustees appointed by any court whatsoever, owning,
 136 controlling, operating or managing any water works for
 137 compensation within this state.

The term "vessel" when used in this act, includes every Vessel.
 139 species of water craft, by whatsoever power operated,
 140 which is owned, controlled, operated or managed for pub-
 141 lic use, in the transportation of persons or property for
 142 compensation within this state.

The term "wharfinger" when used in this act, includes ev-
 144 ery corporation or person, their lessees, trustees, receivers
 145 or trustees appointed by any court whatsoever, owning,
 146 controlling, operating or managing any dock, wharf or
 147 structure used by vessels in connection with or to facilitate
 148 the receipt or discharge of freight or passengers for com-
 149 pensation within this state.

Ware-
houseman.

The term "warehouseman" when used in this act, includes
 151 every corporation or person, their lessees, trustees, receiv-

152 ers or trustees appointed by any court whatsoever, owning,
 153 controlling, operating or managing any building or struc-
 154 ture in which property is regularly stored for compensa-
 155 tion within this state, in connection with or to facilitate
 156 the transportation of property by a common carrier or
 157 vessel, or the loading or unloading of the same, other than
 158 a dock, wharf or structure, owned, operated, controlled or
 159 managed by a wharfinger.

Public
 Utility.

The term "public utility" when used in this act, includes
 161 every common carrier, gas company, electrical company,
 162 telephone company, telegraph company, water company,
 163 wharfinger and warehouseman, as those terms are defined
 164 in this section, and each thereof is hereby declared to be
 165 a public utility and to be subject to the jurisdiction, con-
 166 trol and regulation of the commission, and to the pro-
 167 visions of this act.

RATES AND ACCOUNTING.

Public
 Utility to
 furnish
 safe and
 reasonable
 facilities.

Sect. 10. Every public utility is required to furnish safe,
 2 reasonable and adequate facilities. The rate, toll or charge,
 3 or any joint rate made, exacted, demanded or collected by
 4 any public utility for the conveyance or transportation of
 5 persons or property between points within this state, or
 6 for any heat, light, water or power produced, transmit-
 7 ted, delivered or furnished, or for any telephone or tele-
 8 graph message conveyed, or for any service rendered or to
 9 be rendered in connection with any public utility, shall be
 10 reasonable and just, taking into due consideration the fair

Unreason-
 able
 charges
 Prohibited.

11 value of all its property with a fair return thereon, its rights
 12 and plant as a going concern, business risk and depreciation.
 13 Every unjust or unreasonable charge for such service is
 14 hereby prohibited and declared unlawful.

Sect. 11. Every public utility shall keep and render to
 2 the commission in the manner and form prescribed by the
 3 commission, uniform accounts of all business transacted.
 4 In formulating a system of accounting for any class of pub-
 5 lic utilities the commission shall consider any system of
 6 accounting established by any federal law, commission or
 7 department, and any system authorized by a national asso-
 8 ciation of such utilities.

Commis-
 sion to pre-
 scribe a
 uniform
 system of
 accounts.

Sect. 12. Every public utility engaged directly or indi-
 2 rectly in any other subsidiary business shall, if ordered by
 3 the commission, keep and render separately to the com-
 4 mission in like manner and form, the accounts of all such
 5 business, in which case all the provisions of this act shall
 6 apply with like force and effect to the books, accounts, papers
 7 and records of such other business.

Utility to
 keep like
 forms in
 any other
 subsidiary
 business.

Sect. 13. The commission shall prescribe the forms of all
 2 books, accounts, papers and records required to be kept, and
 3 every public utility is required to keep and render its books,
 4 accounts, papers and records accurately and faithfully in
 5 the manner and form prescribed by the commission and to
 6 comply with all directions of the commission relating to such
 7 books, accounts, papers and records; provided that the re-
 8 quirements of this section shall not apply to a public utility

Commis-
 sion to
 prescribe
 forms of all
 books, rec-
 ords, etc.

Shall not
 apply to
 utility out
 of the
 State—ex-
 ception.

Agent to
be appoint-
ed on whom
service
can be
made.

9 having no property located within this state other than such
10 as is employed therein while in transit, but every such pub-
11 lic utility shall appoint an agent residing in this state upon
12 whom all notices, processes of the commission or other
13 papers relating to the provisions of this act may be served,
14 and shall file a copy of such appointment with the clerk
15 of the commission.

Commis-
sion to pre-
pare blanks.

Sect. 14. The commission shall cause to be prepared suit-
2 able blanks for carrying out the purposes of this act, and
3 shall when necessary, furnish such blanks to each public
4 utility.

Other sys-
tems pro-
hibited.

Sect. 15. No public utility shall keep any other books,
2 accounts, papers or records of its business transacted than
3 those prescribed or approved by the commission.

Accounts
when
closed.

Sect. 16. The accounts of all public utilities shall be closed
2 annually on the thirty-first day of December, and a balance
3 sheet of that date promptly taken therefrom. On or before
4 the first day of February following, such balance sheet to-
5 gether with such other information as the commission shall
6 prescribe, verified by an officer or owner of the public util-
7 ity, shall be filed with the commission.

Auditing of
Accounts.

Sect. 17. The commission shall provide for the examina-
2 tion and audit of all accounts and all items shall be allocated
3 to the accounts in the manner prescribed by the commission.

Authority
of agents
to inspect
all records
of Public
Utilities.

Sect. 18. The agents, accountants or examiners employed
2 by the commission shall have authority within or outside the
3 state under the direction of the commission to inspect and

4 examine any and all books, accounts, papers, records and
5 memoranda kept by any public utility.

Sect. 19. 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 or
8 in conjunction therewith. The rates, tolls and charges
9 shown on the schedules first to be filed shall not exceed the
10 rates, tolls and charges which were in force on January first,
11 nineteen hundred and thirteen.

Public
Utilities
must file
schedule of
rates.

Rates not
to exceed
those of
January 1,
1913.

Sect. 20. Every public utility shall file with and as a part
2 of such schedules all rules and regulations that in any man-
3 ner affect the rates charged or to be charged for any service.

Utilities
shall file all
its rate
rules and
regula-
tions.

Sect. 21. 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 the
5 consumers or users, open to the public under such rules and
6 regulations as may be prescribed by the commission.

Schedules
printed and
open to the
Public.

Sect. 22. 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 for the use of the public shall be filed in every such

Schedules
of Joint
Rates.

6 station or office as provided in section twenty-one of this
7 act.

Notice of
change of
rates re-
quired.

Sect. 23. 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.

New
schedules
to be
printed and
open to the
Public.

Sect. 24. 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.

No unrea-
sonable
preference
or rebate.

Sect. 25. 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 thirty-
4 two of this act for any service performed by it within the
5 state or for any service in connection therewith, than is
6 specified in such printed schedules, including schedules of
7 joint rates, as may at the time be in force, or to demand,
8 collect or receive any rate, toll or charge not specified in
9 such schedules. The rates, tolls and charges named therein
10 shall be the lawful rates, tolls and charges until the same
11 are changed as provided in this act. The commission may
12 prescribe such changes in the form in which the schedules
13 are issued by any public utility as may be found to be ex-
14 pedient.

Sect. 26. The commission shall provide for a comprehensive classification of service for each public utility and such classification may take into account the quantity used, the time when used, the purpose for which used and any other reasonable consideration. Each public utility is required to conform its schedules of rates, tolls and charges to such classification.

Comprehensive Classification of service.

REGULATION AND CONTROL.

Sect. 27. Section one of chapter fifty-five of the Revised Statutes is hereby amended so as to read as follows:

Sec. 1 of Chap. 55 amended.

'Section 1. Corporations for the operation of telegraphs or telephones, and corporations for the operation of both 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, person or association shall have authority, without the consent of said public utilities commission to furnish its service in or to any city or town in or to which another corporation, person or association is furnishing or is authorized to furnish a similar service.'

No organization of new corporation without consent of commission in any place occupied by old corporation or person.

Form of
applica-
tion for
consent.

Sect. 28. No such consent shall be granted to any person,
2 association or corporation to operate, manage or control any
3 public utility in any city or town where there is in operation
4 a public utility engaged in similar service or authorized
5 therefor until said commission has made a declaration after
6 a public hearing of all parties interested that public con-
7 venience and necessity require such second public utility.

Sect. 29. No such consent to operate, manage or control
2 any public utility shall be hereafter granted to a corporation
3 unless such corporation is duly organized under the laws
4 of the state of Maine.

Utilities
must not
give special
privileges.

Sect. 30. 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 such 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 or telegraph messages and
11 paying a reasonable rental therefor, or as requiring any pub-
12 lic utility to furnish any part of such appliances which are
13 situated in or upon the premises of any consumer or user,
14 except telephone station equipments upon the subscribers'
15 premises, and unless otherwise ordered by the commission,
16 meters and appliances for the measurement of any product

Free and
reduced
rates pro-
hibited.
Excep-
tions.

17 or service; and provided further that nothing herein shall
 18 affect scheduled classifications of telephone service wherein
 19 separate charges are made for facilities and for service or
 20 scheduled classifications of rural telephone service wherein
 21 a portion of the facilities are regularly furnished by the user
 22 of the service.

Sect. 31. 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.

Penalty for
unreason-
able prefer-
ence.

Sect. 32. It shall be unlawful for any person, firm or cor-
 2 poration knowingly to 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 in any
 6 manner, or by any device whatsoever, be rendered free or
 7 at a rate less than named in the schedules in force as pro-
 8 vided herein or whereby any service or advantage is re-
 9 ceived other than is herein specified; provided that 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

Unlawful to
solicit or
receive any
rebate.
Excep-
tions.

16 same be approved by the commission, nor shall it be unlaw-
 17 ful for any public utility to make special rates to its em-
 18 ployees or in cases of emergency service. Any person,
 19 firm or corporation violating the provisions of this section
 20 shall be punished by a fine of not more than one thousand
 21 dollars for each offense.

Penalty.

INVESTIGATION OF ACCIDENTS.

Commis-
 sion to
 investi-
 gate acci-
 dents.

Accidents
 shall be re-
 ported to
 Commis-
 sion.

Accidents
 resulting in
 loss of life
 to be re-
 ported im-
 mediately
 by tele-
 phone or
 telegraph.

Sect. 33. In the event of an accident resulting in the loss
 2 of human life occurring upon the premises of any public
 3 utility, or directly or indirectly arising from or connected
 4 with its maintenance or operation, the commission shall cause
 5 an investigation thereof to be made forthwith, and in the
 6 event of any such accident resulting in personal injury or
 7 damage to property the commission may make such inves-
 8 tigation if in its judgment the public interest requires it,
 9 which investigation shall be held in the locality of the acci-
 10 dent, unless for the greater convenience of those concerned
 11 it shall order such investigation to be held at some other
 12 place; such investigation may adjourn from place to place
 13 as may be found necessary and convenient. The commis-
 14 sion shall seasonably notify the public utility of the time
 15 and place of the investigation, and such public utility may
 16 then be heard; and the commission shall have power to make
 17 such order or recommendation with respect thereto as in
 18 its judgment may seem just and reasonable. Every public
 19 utility is hereby required to file with the commission under

20 such rules and regulations as the commission may prescribe,
 21 reports of accidents so occurring, in the manner and form
 22 designated by the commission; provided, however, that in
 23 case of accidents resulting in loss of human life, such re-
 24 port shall be made immediately by telephone or telegraph
 25 followed by a detailed written report; provided that neither
 26 the order nor recommendation of the commission nor any
 27 accident report filed with the commission shall be admitted
 28 as evidence in any action for damages based on or arising
 29 out of the loss of life or injury to person or property in this
 30 section referred to. Section sixty-five of chapter fifty-two
 31 of the Revised Statutes is hereby repealed.

Sec. 65 of
 Chap. 52
 repealed.

PHYSICAL VALUATION.

Sect. 34. Said commission shall have power and it shall
 2 be its duty to fix a reasonable value upon all the property
 3 of any public utility used or required to be used in its ser-
 4 vice to the public within the state whenever it deems a valu-
 5 ation thereof to be necessary for the fixing of fair and rea-
 6 sonable rates, tolls and charges; and in making such valu-
 7 ation they may avail themselves of any reports, records or
 8 other information available to them in the office of any state
 9 officer or board.

Commis-
 sion to as-
 certain
 physical
 valuation of
 property.

APPROVAL OF STOCKS, BONDS AND NOTES.

Sect. 35. Any public utility now organized and existing,
 2 and doing business in the state or hereafter incorporated
 3 under and by virtue of the laws of the State of Maine may
 4 issue stocks, bonds, notes or other evidences of indebtedness
 5 payable at periods of more than twelve months after the

Issue must
 be author-
 ized by
 Commis-
 sion.

Investiga-
tions by
Commis-
sion.

6 date thereof, when necessary for the acquisition of property
7 to be used for the purpose of carrying out its corporate pow-
8 ers, the construction, completion, extension or improvement
9 of its facilities, or for the improvement or maintenance of its
10 service, or for the discharge or lawful refunding of its obli-
11 gations, or for such other purposes as may be authorized
12 by law; provided and not otherwise, that upon written appli-
13 cation, setting forth such information as the commission
14 may require, there shall have been secured from the com-
15 mission an order authorizing such issue and the amount
16 thereof, and stating that in the opinion of the commission
17 the sum of the capital to be secured by the issue of said
18 stocks, bonds, notes or other evidences of indebtedness is
19 required in good faith for purposes enumerated in this sec-
20 tion; but the provisions of this act shall not apply to any
21 stocks or bonds or other evidences of indebtedness hereto-
22 fore lawfully authorized or issued; provided, however, that
23 the commission may at the request of any public utility ap-
24 prove the issue of any stocks or bonds heretofore authorized
25 but not issued. For the purpose of enabling the commis-
26 sion to determine whether it should issue such an order,
27 the commission shall make such inquiry or investigation,
28 hold such hearings and examine such witnesses, books, pa-
29 pers, documents or contracts as it may deem of importance
30 in enabling it to reach a determination. No order of the
31 commission authorizing the issue of any stocks, bonds, notes,
32 or other evidences of indebtedness shall limit or restrict the

33 powers of the commission in determining and fixing any
 34 rate, fare, toll, charge, classification schedule or joint rate
 35 as provided in this act; provided, however, that no public
 36 utility shall be required to apply to the commission for au-
 37 thority to issue stocks, bonds, notes or other evidences of
 38 indebtedness for the acquisition of property, for the pur-
 39 poses of carrying out its corporate powers, the construction,
 40 completion, extension or improvement of its facilities, or
 41 the improvement or maintenance of its service outside the
 42 state.

Sect. 36. No public utility shall issue any stocks, bonds,
 2 notes or other evidences of indebtedness unless payable with-
 3 in one year from date thereof, for money, property or ser-
 4 vices in payment for the same, either directly or indirectly,
 5 until there shall have been recorded upon the books of such
 6 public utility the order of the commission as herein pro-
 7 vided; and no indebtedness shall in whole or in part, directly
 8 or indirectly, be refunded by any issue of stocks or bonds
 9 or by any other evidence of indebtedness running for more
 10 than twelve months, without the consent of the commission.

Conditions
 under
 which Pub-
 lic Utilities
 may issue
 stocks and
 bonds.

Sect. 37. 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 without
 4 the consent of the commission.

Utility to
 get consent
 of commis-
 sion to
 make divi-
 dend, etc.

CONTROL OF LEASES, CONSOLIDATIONS, ETC.

Sect. 38. No public utility shall henceforth sell, lease,
 2 assign, mortgage or otherwise dispose of or encumber the

Utility
 cannot sell,
 lease or
 mortgage
 without or-
 der of
 Commis-
 sion.

3 whole or any part of its property necessary or useful in the
 4 performance of its duties to the public, or any franchise or
 5 permit, or any right thereunder, nor by any means what-
 6 soever, direct or indirect, merge or consolidate its property,
 7 franchises or permits or any part thereof with any other
 8 public utility, without having first secured from the com-
 9 mission an order authorizing it so to do. Every such sale,
 10 lease, assignment, mortgage, disposition, encumbrance, mer-
 11 ger or consolidation made other than in accordance with the
 12 order of the commission authorizing the same shall be void.
 13 The sale, lease, assignment, mortgage or other disposition
 14 or encumbrance of a franchise or permit under this section
 15 shall not be construed to revive or validate any lapsed or
 16 invalid franchise or permit or to enlarge or add to the
 17 powers or privileges contained in the grant of any fran-
 18 chise or permit or to waive any forfeiture. Nothing in this
 19 section contained shall be construed to prevent the sale,
 20 lease or other disposition by any public utility of property
 21 which is not necessary or useful in the performance of its
 22 duties to the public, and any sale of its property by such
 23 public utility shall be conclusively presumed to have been
 24 of property which is not necessary or useful in the per-
 25 formance of its duties to the public, as to any purchaser of
 26 such property in good faith for value. No public utility
 27 shall hereafter purchase or acquire, take or hold any part
 28 of the capital stock of any other public utility organized or
 29 existing under or by virtue of the laws of this state with-

Inauthor-
 ized sale
 void.

Utility
 cannot ac-
 quire stock
 of others
 without
 permission.

30 out having been first authorized to do so by the commis-
 31 sion. Every assignment, transfer, contract or agreement
 32 for assignment or transfer of any stock by or through any
 33 person or corporation to any corporation or otherwise in
 34 violation of any of the provisions of this section shall be
 35 void and of no effect; and no such transfer shall be made
 36 on the books of any public utility. Nothing herein contained
 37 shall be construed to prevent the holding of stock hereto-
 38 fore lawfully acquired.

PHYSICAL CONNECTIONS.

Sect. 39. Whenever the commission, after a hearing had
 2 upon its own motion or upon complaint, shall find that a
 3 physical connection can reasonably be made between the
 4 lines of two or more telephone companies or two or more
 5 telegraph companies whose lines can be made to form a
 6 continuous line of communication, by the construction and
 7 maintenance of suitable connections, for the transfer of
 8 messages or conversations, and that public convenience and
 9 necessity will be subserved thereby, or shall find that two
 10 or more telegraph or telephone companies have failed to
 11 establish joint rates, tolls or charges for service by or over
 12 their said lines, and that joint rates, tolls or charges ought
 13 to be established, the commission may, by its order, require
 14 that such connection be made, except where the purpose
 15 of such connection is primarily to secure the transmission
 16 of local messages or conversations between points within
 17 the same city or town, and that conversations be transmitted

Commis-
sion may
order
physical
connec-
tion.

May order
joint use
of facilities
and equip-
ment.

18 and messages transferred over such connection under such
 19 rules and regulations as the commission may establish, and
 20 prescribe through lines and joint rates, tolls and charges to
 21 be made, and to be used, observed and enforced in the fu-
 22 ture. If such telephone or telegraph companies do not
 23 agree upon the division between them of the cost of such
 24 physical connection or connections or the division of the
 25 joint rates, tolls or charges established by the commission
 26 over such through lines, the commission shall have au-
 27 thority, after further hearing, to establish such division by
 28 supplemental order.

May fix
 joint rates.

Commis-
 sion may
 order use
 by one util-
 ity of
 equipment
 of another.

Sect. 40. Whenever the commission, after a hearing had
 2 upon its own motion or upon complaint of a public utility
 3 affected, shall find that public convenience and necessity re-
 4 quire the use by one public utility of the conduits, subways,
 5 tracks, wires, poles, pipes or other equipment, or any part
 6 thereof, on, over or under any street or highway, and be-
 7 longing to another public utility, and that such use will not
 8 result in irreparable injury to the owner or other users of
 9 such conduits, subways, tracks, wires, poles, pipes or other
 10 equipment or in any substantial detriment to the service,
 11 and that such public utilities have failed to agree upon such
 12 use or the terms and conditions or compensation for the
 13 same, the commission may by order direct that such use
 14 be permitted, and prescribe a reasonable compensation and
 15 reasonable terms and conditions for the joint use. If such
 16 use be directed, the public utility to whom the use is per-

17 mitted shall be liable to the owner or other users, of such
 18 conduits, subways, tracks, wires, poles, pipes or other equip-
 19 ment for such damage as may result therefrom to the prop-
 20 erty of such owner or other users thereof.

PROCEDURE.

Sect. 41. Upon written complaint made against any pub- Complaint.
 2 lic utility by ten persons, firms, corporations or associations
 3 aggrieved, that any of the rates, tolls, charges or schedules
 4 or any joint rate or rates of any public utility are in any
 5 respect unreasonable or unjustly discriminatory, or that any
 6 regulation, measurement, practice or act of said public util-
 7 ity is in any respect unreasonable, insufficient or unjustly
 8 discriminatory, or that any service is inadequate or cannot
 9 be obtained, the commission, being satisfied that the peti-
 10 tioners are responsible and that a hearing is expedient, shall
 11 proceed with or without notice, to make an investigation
 12 thereof. But no order affecting said rates, tolls, charges,
 13 schedules, regulations, measurements, practices or acts com-
 14 plained of shall be entered by the commission without a for-
 15 mal public hearing.

Sect. 42. The commission immediately upon the filing of Notice to
utility of
filing com-
plaint.
 2 such complaint shall notify in writing the public utility com-
 3 plained of that a complaint has been made, and of the nature
 4 thereof; and if at the expiration of ten days therefrom such
 5 public utility shall not have removed the cause of complaint
 6 to the satisfaction of the commission, said commission shall
 7 proceed to set a time and place for a hearing as hereinafter
 8 provided.

Notice to
Utility of
formal
public
hearing.

Sect. 43. The commission shall give the public utility and
2 the complainants at least ten days' notice of the time and
3 place when and where such formal public hearing will be
4 held. Both the public utility and the complainants shall be
5 entitled to be heard and have process to enforce the attend-
6 ance of witnesses as in civil actions in the supreme judicial
7 court.

Commis-
sion to re-
vise rates
and render
decision.

Sect. 44. 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 or reasonable. If upon such public hearing it
8 shall be found that any regulation, measurement, practice,
9 act or service complained of is unjust, unreasonable, insuffi-
10 cient, or unjustly discriminatory or otherwise in violation of
11 any of the provisions of this act or if it be found that any
12 service is inadequate or that any reasonable service cannot
13 be obtained, the commission shall have power to establish
14 and substitute therefor such other regulations, measure-
15 ments, 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.

Utility to
charge
rates and
schedules
as ordered.

Sect. 45. Every public utility to which such order applies
2 shall make such changes in its 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. Copies of all or-
 7 ders of the commission, certified by the clerk, shall be de-
 8 livered to the public utility affected thereby and the same
 9 shall take effect within such time thereafter as the com-
 10 mission shall prescribe.

Copies of
 orders to
 be delivered
 to Utility.

Sect. 46. 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
 4 of any matter relating to any public utility should for any
 5 reason be made, it may on its own motion, summarily in-
 6 vestigate the same with or without notice. If after making
 7 such summary investigation the commission becomes sat-
 8 isfied that sufficient grounds exist to warrant a formal pub-
 9 lic hearing being ordered as to matters so investigated, it
 10 shall furnish such public utility interested a written statement
 11 giving notice of the matter under investigation. Ten days
 12 after such notice has been given the commission may pro-
 13 ceed to set a time and place for a formal public hearing as
 14 hereinbefore provided.

Commis-
 sion may
 investi-
 gate on its
 own motion.

Ten days
 notice to
 Utility.

Sect. 47. Notice of the time and place of such hearing
 2 shall be given to the public utility and to such interested
 3 persons as the commission shall deem proper as provided
 4 in section forty-three of this act; and thereafter proceedings
 5 shall be had and conducted in reference to the matter inves-

Notice of
 formal
 Public
 Hearing.

6 tigated in like manner as though complaint had been filed
7 with the commission relative thereto; and like orders may
8 be made in reference thereto as if such investigation had
9 been made on complaint.

Utility may
make com-
plaint.

Sect. 48. Any public utility may make complaint as to
2 any matter affecting its own product, service or charges with
3 like effect as though made by any ten persons, firms, cor-
4 porations or associations.

Each com-
missioner
power to
act.

Sect. 49. 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, to punish by fine and
6 imprisonment for contempt and to issue all processes neces-
7 sary to the performance of the duties of the commission.

Witnesses
and fees.

Sect. 50. 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
4 the supreme judicial court, which shall be audited and paid
5 by the state in the same manner as other state expenses are
6 audited and paid upon the presentation of proper vouchers
7 approved by the commission.

Deposi-
tions.

Sect. 51. The commission or any party may, in any for-
2 mal public hearing, use the deposition of witnesses residing
3 within or outside the state; such depositions to be taken in
4 the manner prescribed by law for taking depositions in civil
5 actions in the supreme judicial court.

Sect. 52. A full and complete record shall be kept of all
 2 proceedings had before the commission and of any investi-
 3 gation or formal public hearing and all testimony shall be
 4 taken by a stenographer to be appointed by the commission.

Record of
 all pro-
 ceedings to
 be kept.

Sect. 53. Questions of law may be raised by alleging ex-
 2 ceptions to the ruling of the commission on an agreed state-
 3 ment of facts, or on facts found by the commission, and
 4 such exceptions shall be allowed by the chairman of the
 5 commission and certified by the clerk thereof to the chief
 6 justice of the supreme judicial court with the arguments
 7 of counsel, if any have been received by him, within sixty
 8 days after such exceptions have been allowed. The party
 9 raising such questions shall, within thirty days thereafter,
 10 deliver a copy of his argument to the opposing counsel, who
 11 shall within twenty days after receiving the same furnish
 12 a copy of his answer to the counsel for the moving party,
 13 who shall in turn make reply thereto within ten days there-
 14 after, and deliver said arguments to the clerk of the com-
 15 mission to be forwarded with the exceptions to the chief
 16 justice. And such questions of law shall be considered and
 17 decided by the law court as soon as may be; or if the parties
 18 so agree of record, such questions shall be certified to the
 19 next term of the law court to be entered on the docket there-
 20 of and argued and determined according to the rules of
 21 procedure in said court. The result in either case shall be
 22 certified by the clerk of the law court to the clerk of the
 23 commission; the prevailing party to recover costs.

Appeal.
 Questions
 of law.
 Excep-
 tions.

Appeal or
exceptions
do not stay
orders.

Sect. 54. While questions of law are pending on excep-
2 tions to a ruling of the commission, as provided in section
3 fifty-three, no injunction shall issue suspending or staying
4 any order of the commission and said exceptions shall not
5 excuse any person or corporation from complying with and
6 obeying any order or decision, or any requirement of any
7 order or decision of the commission or operate in any man-
8 ner to stay or postpone the enforcement thereof, except in
9 such cases and upon such terms as the commission may
10 order and direct.

Commis-
sion may
alter or
amend
orders.

Sect. 55. The commission may at any time upon notice
2 to the public utility and after opportunity to be heard as
3 provided in section forty-three, rescind, alter or amend any
4 order fixing any rate or rates, tolls, charges or schedules
5 or any other order made by the commission, and certified
6 copies of the same shall be served and take effect as herein
7 provided for original orders.

Burden of
Proof.

Sect. 56. In all trials, actions and proceedings arising un-
2 der the provisions of this act or growing out of the exercise
3 of the authority and powers granted herein to the commis-
4 sion, the burden of proof shall be upon the party adverse
5 to the commission or seeking to set aside any determination,
6 requirement, direction or order of said commission com-
7 plained of as unreasonable, unjust or unlawful as the case
8 may be. And in all original proceedings before said com-
9 mission where an increase in rates, tolls, charges or sched-
10 ules or joint rate or rates is complained of, the burden of

11 proof shall be upon the public utility to show that such in-
12 crease is just and reasonable.

Sect. 57. In all actions and proceedings arising under this
2 act all processes shall be served and the practice and rules
3 of evidence shall be the same as in civil actions in the su-
4 preme judicial court except as otherwise herein provided.
5 Every sheriff or other officer empowered to execute civil
6 processes may execute any process issued under the pro-
7 visions of this act and shall receive such compensation there-
8 for as may be prescribed by law for similar service.

Practice
and Rules
of Evi-
dence.

Service of
Process.

Sect. 58. No person shall be excused from testifying or
2 from producing books, accounts and papers in any proceed-
3 ing based on or growing out of the provisions of this act
4 on the ground that the testimony or evidence, documentary
5 or otherwise, required of him may tend to incriminate him
6 or to subject him to a penalty or forfeiture; and 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 person so testifying shall be exempt from prose-
12 cution or punishment for perjury.

Witness not
excused
from tes-
tifying.

Sect. 59. Upon application of any person and upon pay-
2 ment therefor as the commission may by rule provide, the
3 commission shall furnish certified copies under the seal of
4 the commission of any order made by it, which shall be evi-
5 dence of the facts stated therein.

Certified
copies of
orders.

Commission power to suspend, alter or amend orders.

Sect. 60. Whenever the commission shall deem it necessary in order to prevent injury to the business of any public utility or to the interest of the people, or in case of any emergency which the commission may adjudge to exist, it shall have power, temporarily, to alter, amend or, with the consent of the public utility concerned, suspend any existing rates, schedules or orders relating to or affecting any public utility. Such rates so made by the commission shall apply to one or more of the public utilities in this state or to any portion thereof as may be directed by the commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission.

PENALTIES.

Contempt and punishment.

Sect 61. Every public utility, corporation or person failing to observe, obey or comply with any order, decision, rule, regulation, direction, demand or requirement, or any part or portion thereof, of the commission or of any commissioner shall be in contempt of the commission and shall be punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this section shall not be a bar to or affect any other remedy prescribed in this act, but shall be cumulative and in addition to such other remedy or remedies.

Utility liable in civil action.

Sect. 62. If any public utility shall do or cause to be done or permit to be done any matter, act or thing in this act 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, asso-
 6 ciation or corporation injured thereby; provided that any
 7 recovery as in this section provided, shall in no manner
 8 affect a recovery by the state of the penalty prescribed for
 9 such violation.

Sect. 63. Any officer, agent or employee of any public
 2 utility who shall wilfully fail or refuse to fill out and return
 3 any blanks required by this act, or shall wilfully fail or
 4 refuse to answer any question therein propounded, or shall
 5 knowingly or wilfully give a false answer to any such ques-
 6 tion, or shall wilfully evade the answer to any question
 7 where the fact inquired of is within his knowledge, or who
 8 shall upon proper demand, wilfully fail or refuse to exhibit
 9 to the commission or to any commissioner or to any person
 10 authorized to examine the same, any book, paper, account,
 11 record or memorandum of such public utility which is in
 12 his possession or under his control, or who shall wilfully
 13 fail properly to use and keep his system of accounting or
 14 any part thereof as prescribed by the commission or who
 15 shall wilfully refuse to do any act or thing in connection
 16 with such system of accounting when and as directed by
 17 the commission, shall upon conviction thereof be punished by
 18 a fine not exceeding one thousand dollars for each offense.
 19 And a penalty of not more than one thousand dollars shall be
 20 recovered from the public utility for each such offense when
 21 such officer, agent or employee acted in obedience to the di-

Failure or
 refusal to
 obey orders.
 Penalty.

Refusal to
 allow
 Commis-
 sion to in-
 vestigate.
 Penalty.

22 rection, instruction or request of such public utility or any
23 owner or general officer thereof.

Punish-
ment when
no penalty
has been
provided.

Sect. 64. If any public utility shall wilfully violate any
2 provision of this act or shall do any act herein prohibited
3 or shall fail or refuse to perform any duty enjoined upon it
4 for which a penalty has not been provided or shall fail or
5 refuse to obey any lawful requirement or order made by
6 the commission, for any such violation, failure or refusal
7 such public utility shall forfeit and pay into the state treas-
8 ury not more than one thousand dollars for each offense
9 to be recovered in an action on the case in the name of the
10 state. In construing and enforcing the provisions of this
11 section, the act, omission or failure of any 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
14 case be deemed to be the act, omission or failure of such
15 public utility.

Every
failure to
obey order
a distinct
offense.

Sect. 66. Every day during which any public utility or
2 any officer, agent or employee thereof shall wilfully fail to
3 observe or comply with any order of the commission or to
4 perform any order of the commission or to perform any
5 duty enjoined by this act shall constitute a separate and
6 distinct offense.

Penalty for
misapprop-
riation of
proceeds of
sale of
stocks, etc.

Sect. 67. Any director or officer of any public utility who
2 shall directly or indirectly issue or cause to be issued any
3 stocks, bonds, notes or other evidences of indebtedness con-
4 trary to the provisions of this act, or who shall apply the

5 proceeds from the sale thereof to any other purpose than
 6 that specified in the order of the commission, as herein
 7 provided, shall, upon conviction thereof, be imprisoned in
 8 the state prison for not less than one year nor more than
 9 ten years.

Sect. 68. Any officer, owner or agent of any public utility
 2 who shall knowingly or wilfully make any false statement
 3 to secure the issue of any stock, bond or other evidence of
 4 indebtedness, or who shall by false statement knowingly
 5 or wilfully made procure of the commission the making of
 6 the order herein provided, or issue with knowledge of such
 7 fraud, negotiate or cause to be negotiated any such stock,
 8 bond, note or other evidence of indebtedness in violation
 9 of this act, shall, upon conviction thereof, be fined not less
 10 than five hundred dollars or be imprisoned in the state prison
 11 for not less than one year nor more than ten years or both.

False
statement.

False
statements
to secure
issue of
stock, etc.

Sect. 69. 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. This act
 6 shall not have the effect to release or waive any right of
 7 action by the state or by any person for any right, penalty
 8 or forfeiture which may have arisen or which may hereafter
 9 arise under any law of this state.

Substan-
tial com-
pliance
with this
act suf-
ficient.

This act no
waiver of
present
cause of
action.

Sect. 70. No public utility shall apply to the legislature
 2 to grant it any right, privilege or immunity which the pub-

Utility to
first apply
to commis-
sion for
rights.

What application to legislature shall contain.

3 lic utility commission has power to grant to said utility until
 4 said utility shall first have exhausted its rights in that be-
 5 half before said commission, and in making such applica-
 6 tion to the legislature said utility shall make a statement in
 7 writing, which shall accompany the proposed legislation, that
 8 it has applied to said commission for the right, privilege or
 9 immunity requested and that said commission has denied its
 10 application.

When this act to take effect.

Sect. 71. This act shall take effect on the first day of
 2 July, nineteen hundred and thirteen, or as soon thereafter
 3 as the constitution allows, so far as to authorize the appoint-
 4 ment of the members of the commission, the clerk and the
 5 assistant clerk and to authorize the commissioners to qual-
 6 ify, organize, formulate rules, procure supplies, clerical and
 7 other assistants and data necessary for the commission im-
 8 mediately to enter upon the performance of its duties. All
 9 other provisions of this act shall take effect on the first day
 10 of September, nineteen hundred and thirteen. The ap-
 11 pointment of the members of the commission before said
 12 first day of September shall not be construed as an abolish-
 13 ment of the present board of railroad commissioners or of
 14 the state water storage commission and their duties shall
 15 not in any manner be abridged until this act is in full force.

REPEALS.

Board of railroad commissioners and water storage commission abolished.

Sect. 72. The office of railroad commissioner and the
 2 boards created and known as railroad commissioners and
 3 state water storage commission are hereby abolished and

4 the tenure of office of all officers and clerks connected with
 5 said boards is hereby terminated. All powers now vested
 6 in said boards together with all the duties and privileges
 7 now imposed or conferred upon said boards by and under
 8 existing laws are hereby imposed and conferred upon the
 9 Public Utilities Commission. All proceedings pending be-
 10 fore the railroad commissioners or before the state water
 11 storage commission at the time this act takes effect shall
 12 be transferred to the docket of the Public Utilities Com-
 13 mission and be reheard or decided by it as justice may re-
 14 quire. All existing decisions, orders and decrees of the
 15 railroad commissioners in force when this act takes effect
 16 shall continue until modified or reversed by the Public Utili-
 17 ties Commission. Said commission shall have custody and
 18 control of all records, maps and papers pertaining to the
 19 offices of the railroad commissioners and the state water
 20 storage commission.

Existing
 orders and
 decrees of
 present
 boards
 shall con-
 tinue until
 reversed.

Sect. 73. All acts and parts of acts inconsistent with the
 2 provisions of this act are hereby repealed.

General re-
 peal of in-
 consistent
 acts.

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