

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 196

In Senate, Feb. 25, 1915.

Ordered. That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee on Reference.

Presented by Mr. Cole of York.

STATE OF MAINE

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

AN ACT amendatory of and additional to chapter one hundred and twenty-nine of the Public Laws of nineteen hundred and thirteen, entitled "An Act to Create a Public Utilities Commission" and prescribing the duties and powers thereof, and to amend certain provisions of the Revised Statutes and of the Public Laws of the State of Maine relating to public utilities.

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

Section 1. Section nine of chapter one hundred and twenty-nine of the public laws of nineteen hundred and thirteen is amended by striking out the last thirteen words of the

4 paragraph defining an “express company,” so that said para-
5 graph as amended shall read as follows:

‘Sect. 9. XXX. The term “express company” when used
7 in this act includes every corporation or person, their lessees,
8 trustees, receivers or trustees appointed by any court what-
9 soever, engaged in or transacting the business of transport-
10 ing any freight, merchandise or other property for com-
11 pensation on the line of any common carrier or over any
12 stage line or auto stage line within the state.’

Sect. 2. Section thirty-two of said chapter one hundred
2 and twenty-nine is hereby amended by inserting after the
3 words “Acts amendatory thereof” the words ‘nor free or
4 reduced rate transportation to police officers or firemen in
5 uniform or of municipal fire apparatus, nor free transporta-
6 tion under the provisions of section fifty-three, chapter fifty-
7 one of the revised statutes as amended by section seventeen
8 of this act,’ and by inserting after the word “at” and before
9 the words “reduced rates” the words ‘free or,’ so that said
10 section as amended shall read as follows:

‘Sect. 32. It shall be unlawful for any person, firm or
12 corporation knowingly to solicit, accept or receive any re-
13 bate, discount or discrimination in respect to any service
14 rendered or to be rendered by any public utility, or for any
15 service in connection therewith whereby any such service
16 shall in any manner, or by any device whatsoever, be ren-
17 dered free or at a rate less than named in the schedules in
18 force as provided herein or whereby any service or advan-

19 tage is received other than is herein specified; provided that
20 this act shall not prohibit such free or reduced rate trans-
21 portation by common carriers as is defined and provided
22 for in the Acts of Congress entitled "An Act to regulate
23 commerce" and acts amendatory thereof, nor free or re-
24 duced transportation to police officers or firemen in uniform
25 or of municipal fire apparatus, nor free transportation under
26 the provisions of section fifty-three of chapter fifty-one
27 of the revised statutes as amended by section seventeen of
28 this act; nor shall it be construed to prohibit any public
29 utility from granting service at free or reduced rates for
30 charitable and benevolent purposes, provided the same be
31 approved by the commission, nor shall it be unlawful for
32 any public utility to make special rates to its employees
33 or in cases of emergency service, nor shall the furnishing
34 by any public utility of any product or service at the rates
35 and upon the terms and conditions provided for in any con-
36 tract in existence January first, nineteen hundred thirteen,
37 be construed as constituting a discrimination, or undue or
38 unreasonable preference, or advantage within the meaning
39 specified; provided however that when any such contract
40 or contracts are or become terminable by notice by such
41 utility the commission shall have power in its discretion to
42 direct by order that such contract or contracts shall be ter-
43 minated by such utility as and when directed by such order.
44 Any person, firm or corporation violating the provisions of

45 this section shall be punished by a fine of not more than
46 one thousand dollars for each offense.'

Sect. 3. Section thirty-three of said chapter one hundred
2 and twenty-nine is hereby amended by substituting for the
3 last sentence thereof the words, 'Sections sixty-five to sixty-
4 nine both inclusive of chapter fifty-two of the revised stat-
5 utes are hereby repealed.' so that said section as amended
6 shall read as follows:

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

26 under such rules and regulations as the commission may
27 prescribe, reports of accidents so occurring, in the manner
28 and form designated by the commission; provided however,
29 that in case of accidents resulting in loss of human life,
30 such report shall be made immediately by telephone or tele-
31 graph followed by a detailed written report; provided that
32 neither the order nor recommendation of the commission
33 nor any accident report filed with the commission shall be
34 admitted as evidence in any action for damages based on
35 or arising out of the loss of life or injury to^s person or prop-
36 erty in this section referred to. Sections sixty-five to sixty-
37 nine, both inclusive, of chapter fifty-two of the revised stat-
38 utes are hereby repealed.'

Sect. 4. Section thirty-seven of said chapter one hundred
2 and twenty-nine is hereby amended by inserting between
3 the words "shall" and "declare" in the first line, the words
4 'increase or decrease its capital stock or,' so that said sec-
5 tion as amended shall read as follows:

'Sect. 37. No public utility shall increase or decrease its
7 capital stock or declare any stock, bond or script dividend
8 or divide the proceeds of the sale of its own or any stock,
9 bond or script among stockholders without the consent of
10 the commission.'

Sect. 5. Section thirty-nine of said chapter one hundred
2 and twenty-nine is hereby amended by striking out the words,
3 "except where the purpose of such connection is primarily
4 to secure the transmission of local messages or conversa-

5 tions between points within the same city or town," so that
6 said section as amended shall read as follows:

'Sect. 39. Whenever the commission, after a hearing had
8 upon its own motion or upon complaint, shall find that a
9 physical connection can reasonably be made between the
10 lines of two or more telephone companies or two or more
11 telegraph companies whose lines can be made to form a
12 continuous line of communication, by the construction and
13 maintenance of suitable connections, for the transfer of
14 messages or conversations, and that public convenience and
15 necessity will be subserved thereby, or shall find that two
16 or more telegraph or telephone companies have failed to
17 establish joint rates, tolls or charges for service by or over
18 their said lines, and that joint rates, tolls or charges ought
19 to be established, the commission may, by its order, require
20 that such connection be made, and that conversations be
21 transmitted and messages transferred over such connection
22 under such rules and regulations as the commission may
23 establish, and prescribe through lines and joint rates, tolls
24 and charges to be made, and to be used, observed and en-
25 forced in the future. If such telephone or telegraph com-
26 panies do not agree upon the division between them of the
27 cost of such physical connection or connections or the divis-
28 ion of the joint rates, tolls or charges established by the
29 commission over such through lines, the commission shall
30 have the authority, after further hearing, to establish such
31 division by supplemental order.'

Sect. 6. Section forty-eight of said chapter one hundred
2 and twenty-nine is hereby amended by adding thereto the
3 words, 'And the commission may authorize reparation or
4 adjustment where the utility admits that a rate charged was
5 excessive or unreasonable, or collected through error, and it
6 appears that the utility has subsequently within thirty days
7 published the rate which the reduction is authorized in place
8 of the rate which is admitted to be excessive or unreason-
9 able; provided, however, that such new rate so published
10 shall continue in force one year unless sooner changed by
11 the order or with the consent of the commission,' so that
12 said section as amended shall read as follows:

'Sect. 48. Any public utility may make complaint as to
14 any matter affecting its own product, service or charges
15 with like effect as though made by any ten persons, firms,
16 corporations or associations. And the commission may au-
17 thorize reparation or adjustment where the utility admits
18 that a rate charged was excessive or unreasonable or col-
19 lected through error, and it appears that the utility has sub-
20 sequently within thirty days published the rate to which the
21 reduction is authorized in place of the rate which is ad-
22 mitted to be excessive or unreasonable; provided, however,
23 that such new rate so published shall continue in force one
24 year unless sooner changed by the order or with the con-
25 sent of the commission.'

Sect. 7. Section fifty of said chapter one hundred and
2 twenty-nine is hereby amended by adding thereto the words,

3 'provided, however, that in all investigations under section
4 thirty-three, where the public utility is a common carrier
5 of persons, it shall transport all witnesses over its lines free
6 of charge under such regulation as the commission may
7 establish and provided, further, that there shall be deducted
8 from the mileage allowed witnesses under this section who
9 travel, or may travel, to and from the place of hearing on
10 any pass or other form of free transportation, a sum equal
11 to the fare to and from said place at the lowest published
12 rates for single trip or return trip tickets,' so that said sec-
13 tion as amended shall read as follows:

'Sect. 50. Each witness who shall appear before the com-
15 mission by its order, shall receive for his attendance the
16 fees and mileage provided for witnesses in civil cases in
17 the supreme judicial court, which shall be audited and paid
18 by the state in the same manner as other state expenses are
19 audited and paid upon the presentation of proper vouchers
20 approved by the commission; provided, however, that in all
21 investigations under section thirty-three, where the public
22 utility is a common carrier of persons, it shall transport all
23 witnesses over its lines free of charge under such regula-
24 tions as the commission may establish; and provided, fur-
25 ther, that there shall be deducted from the mileage allowed
26 witnesses under this section who travel, or may travel, to
27 and from the place of hearing on any pass or other form
28 of free transportation a sum equal to the fare to and from

29 said place at the lowest published rates for single trip or
30 return trip tickets.'

Sect. 8. Section sixteen of chapter fifty-one, revised stat-
2 utes, is hereby amended by inserting between the words
3 "purpose" and "aid" in the fourth line thereof the words
4 'with the consent of the public utilities commission,' and
5 by striking out the last eighteen words thereof, so that said
6 section as amended shall read as follows:

'Sect. 16. Any railroad corporation, wholly organized un-
8 der the laws of this state, at any time when it has paid divi-
9 dends for the preceding three years, may, by vote of its
10 directors, authorized or confirmed by a two-thirds vote of
11 its stockholders, at a meeting notified for the purposes,
12 with the consent of the public utilities commission, aid in
13 the construction or equipment of a branch of its railroad,
14 or in the construction or equipment of a connecting railroad,
15 and may own and hold the securities of such branch or of
16 such connecting railroad.'

Sect. 9. The last sentence of section seventy-six and all
2 of sections seventy-seven and seventy-eight of chapter fifty
3 of the revised statutes are hereby repealed, section seventy-
4 six as amended to read as follows:

'Sect. 76. The board of railroad commissioners shall make
6 a report in writing of their decision in all matters named
7 in the three preceding sections, file the same in their office,
8 and cause a copy of such decision to be sent by mail to each

9 of the railroad corporations, or the municipal officers of the
10 cities or towns as the case may be, interested therein.'

Sect. 10. Section one of chapter fifty-two of the revised
2 statutes is hereby amended by striking out all thereof after
3 the word "notwithstanding" in the ninth line, so that said
4 section as amended shall read as follows:

'Sect. 1. Any railroad corporation may establish and
6 collect for its sole benefit, fares, tolls and charges, upon all
7 passengers and property conveyed and transported on its
8 railroad, at such rates as may be determined by the directors
9 thereof, and shall have a lien on its freight therefor; and
10 may from time to time by its directors regulate the use of
11 its road; provided that such rates of fares, tolls and charges
12 and regulations are at all times subject to alteration by the
13 legislature, or by such officers or persons as the legislature
14 may appoint for the purpose, anything in the charter of such
15 corporation to the contrary notwithstanding.'

Sect. 11. Section thirty of chapter fifty-two of the revised
2 statutes is hereby repealed.

Sect. 12. Section thirty-two of chapter fifty-two of the
2 revised statutes is hereby repealed.

Sect. 13. Section twenty-four of chapter fifty-three of the
2 revised statutes is hereby repealed.

Sect. 14. Section nine of chapter fifty-five of the revised
2 statutes is hereby repealed.

Sect. 15. Section eleven of chapter fifty-five of the revised
2 statutes is hereby amended by inserting after the word "par-

3 ties" and before the word "and" in the sixth line thereof,
4 the words 'subject, however, to the control of the public
5 utilities commission,' so that said section as amended shall
6 read as follows:

'Sect. 11. Every corporation operating a telegraph or tele-
8 phone line in the state may connect its line or lines with
9 those of any or other like corporation, and may sell or lease
10 its lines or property, in whole or in part, to any other like
11 corporation, and may purchase or lease the line, or lines,
12 and property, in whole or in part, of any like corporation,
13 upon such terms as may be agreed upon by the contracting
14 parties, subject, however, to the control of the public utili-
15 ties commission; and may purchase, or take and hold as for
16 public uses, land necessary for the construction and opera-
17 tion of its line. Land may be so taken and damages there-
18 for may be estimated, secured, determined and paid as in
19 case of railroads.'

Sect. 16. Section one, chapter seventy-two of the public
2 laws of nineteen hundred and nine is hereby amended by
3 adding thereto the words, 'provided, however, that this sec-
4 tion shall not apply to transportation furnished members of
5 the public utilities commission, its clerks, agents or employees,
6 when engaged in the discharge of their public duties, or
7 going to or returning therefrom,' so that said section as
8 amended shall read as follows:

'Section 1. No person holding any federal, state or county
10 or municipal office shall request for himself or another, ac-

11 cept or use any free transportation upon a steam or other
12 railway, or any ticket or token which entitles him to trans-
13 portation upon such railway, for which he has paid a less
14 price than is demanded of the public generally; and no offi-
15 cer, agent or employee of such railway corporation, shall
16 knowingly issue, deliver or offer to any person hereinbefore
17 mentioned, or to or for any other person, at the request,
18 solicitation or procurement of any federal, state, or county
19 or municipal officer, except for cases of charity, free trans-
20 portation or any ticket or token which entitles him to trans-
21 portation at a less rate of fare than is demanded of the
22 public generally; provided, however, that this section shall
23 not apply to transportation furnished members of the public
24 utilities commission, its clerks, agents or employees, when
25 engaged in the discharge of their public duties, or going to
26 or returning therefrom.'

Sect. 17. Section fifty-three of chapter fifty-one of the
2 revised statutes is hereby amended so as to read as follows:

'Sect. 53. Every public utility within the state shall fur-
4 nish all reasonable facilities to the public utilities commission
5 for the prompt and faithful discharge of its duties, including
6 free transportation to the commissioners, their clerks, agents
7 and employees on any railroad, street railroad and vessel
8 within the state, when engaged in the discharge of their
9 public duties, or going to or returning therefrom.'

Sect. 18. Wherever the words railroad commission, rail-
2 road commissioners and commissioners, meaning railroad

3 commissioners, appear in the present statutes of the state
4 such sections are hereby amended by substituting therefor
5 the words public utilities commission, public utilities com-
6 missioners and commissioners respectively.