

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 71

House of Representatives, Feb. 1, 1917.

Referred to Committee on Public Utilities and one thousand copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Cates of Vassalboro.

STATE OF MAINE

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

AN ACT to provide for physical connection and certain auxiliary service between steam railroads and electric railroads.

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

Section 1. Whenever it is practicable and the same may
2 be accomplished without endangering the equipment, tracks,
3 or appliances of either party, and whenever and wherever
4 public convenience and interest require the same, the Pub-
5 lic Utilities Commission may, upon application and after
6 reasonable notice and hearing, require the construction of
7 physical connection between the tracks of any steam rail-

8 road company and electric railroad company (as herein-
9 after defined); and said commission may, upon application
10 and reasonable notice and hearing, require any such steam
11 railroad company to permit any electric railroad company
12 to haul, by means of such physical connection, loaded freight
13 cars containing what is called "carload lots" from the tracks
14 of such steam railroad company to points along the line of
15 said electric railroad company for unloading by the owners
16 thereof of the contents of such cars and to haul empty freight
17 cars from the tracks of such steam railroad company onto
18 the tracks of such electric railroad company to be loaded
19 for shipment, and such steam railroad company shall ac-
20 cept each such loaded car and transport the same over its
21 lines in accordance with the proper and lawful billing of
22 the shipper of the contents of any such car. Provided that
23 nothing in this act shall be construed to require through
24 billing of freight between steam railroad companies and
25 electric railroad companies; nor as requiring, or authoriz-
26 ing said commission to require, any electric railroad to en-
27 gage in interstate commerce.

Sect. 2. Whenever a physical connection has been made
2 between the tracks of a steam railroad company and an
3 electric railroad company, either voluntarily or by order of
4 the Public Utilities Commission, as provided in the pre-
5 ceding section, such steam railroad company or electric rail-
6 road company shall at reasonable times and for reasonable
7 compensation draw over their respective tracks the mer-

8 chandise and cars of the steam railroad company or electric
9 railroad company as the case may be with which such physi-
10 cal connection is so established; provided such cars are of
11 proper gauge, are in good running order, properly equipped
12 and loaded, and otherwise safe for transportation; provided
13 further, if the corporations cannot agree upon the times at
14 which cars shall be drawn or the compensation to be paid,
15 the Public Utilities Commission shall upon petition of either
16 party and notice to the other and after hearing the parties
17 interested, determine the rate of compensation and fix such
18 periods, having reference to the convenience and interests
19 of the corporations and of the public to be accommodated
20 thereby. Any agreement entered into between any two or
21 more such corporations under this section, or any order of
22 the Public Utilities Commission hereunder, shall at all times
23 be subject to annulment, alteration or modification by said
24 commission after notice and hearing.

Sect. 3. The duties imposed upon carriers and the au-
2 thority conferred upon the Public Utilities Commission by
3 this act shall extend only to an auxiliary service by electric
4 railroads, and said commission shall not be authorized to
5 require any physical connection or service herein provided
6 for in any case where there are existing steam railroad
7 facilities which can be with reasonable convenience used by
8 the persons who desire the above named electric railroad
9 service. Whenever any steam railroad freight car is hauled
10 onto the rails of any electric railroad company, such car

11 shall be returned to the steam railroad at the same junction
12 point where taken without other use than that for which
13 such car was taken. It shall be the duty of said commis-
14 sion in making any order for physical connection and the
15 service herein provided for to reasonably protect each steam
16 railroad company from "short hauling" itself. Nothing
17 herein contained shall be construed as requiring any com-
18 mon carrier to give the use of its tracks or terminal facilities
19 to another carrier engaged in a like business.

Sect. 4. The term "steam railroad" or "steam railroad
2 company" as used herein shall be construed to mean any
3 railroad or terminal company, however chartered, using
4 steam as its motive power. And the term "electric railroad"
5 or "electric railroad company" as used herein shall be con-
6 strued to mean any railroad or terminal company using
7 electricity as its motive power.