

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 113

House of Representatives, Feb. 2, 1917.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Farrington of Augusta.

STATE OF MAINE

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

AN ACT amendatory of the existing law relating to review by the Supreme Judicial Court of certain orders, decrees and decisions of the Public Utilities Commission.

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

Section 55 of Chapter 55 of the revised statutes is hereby
2 amended by adding to the second sentence thereof the
3 words, 'provided, however, that said commission may, and
4 shall unless it certifies that the public interest does not re-
5 quire it, prepare and file with said arguments and excep-
6 tions a brief or argument in support of the ruling excepted

7 to, and for that purpose may withhold said arguments and
8 exceptions ten days after they have been delivered to the
9 clerk as aforesaid; and provided, further, that in all com-
10 plaints and investigations instituted or prosecuted by the
11 commission on its own motion it, as well as any persons
12 made parties of record in support of the side in whose favor
13 said ruling is made, shall be deemed an opposing party for
14 the aforesaid purposes,' so that said section, as amended,
15 shall read as follows:

'Sect. 55. 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; provided, however, that said commission may, and
17 shall unless it certifies that the public interest does not re-

18 quire it, prepare and file with said arguments and excep-
19 tions a brief or argument in support of the ruling excepted
20 to, and for that purpose may withhold said arguments and
21 exceptions ten days after they have been delivered to the
22 clerk as aforesaid; and provided, further, that in all com-
23 plaints and investigations instituted or prosecuted by the
24 commission on its own motion it, as well as any persons
25 made parties of record in support of the side in whose favor
26 said ruling is made, shall be deemed an opposing party for
27 the aforesaid purposes. And such questions of law shall
28 be considered and decided by the law court as soon as may
29 be; or if the parties so agree of record, such questions shall
30 be certified to the next term of the law court to be entered
31 on the docket thereof and argued and determined accord-
32 ing to the rules of procedure in said court. The result in
33 either case shall be certified by the clerk of the law court
34 to the clerk of the commission; the prevailing party to re-
35 cover costs.'