

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 458

House of Representatives, March 2, 1917.

Printed under joint rules.

W. R. ROIX, Clerk.

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 hereinafter

9 defined) ; the expense of constructing such physical connec-
10 tion may be apportioned by the commission in such man-
11 ner as it may deem equitable, if the parties to any such peti-
12 tion are themselves unable to agree as to the distribution of
13 the cost of such construction. Said commission may, upon
14 application and reasonable notice and hearing, require any
15 such steam railroad company to permit any electric railroad
16 company to haul, by means of such physical connection,
17 loaded freight cars containing what is called "carload lots"
18 from the tracks of such steam railroad company to points
19 along the line of said electric railroad company for unload-
20 ing by the owners thereof the contents of such cars and
21 to haul empty freight cars from the tracks of such steam
22 railroad company onto the tracks of such electric railroad
23 company to be loaded for shipment, and such steam rail-
24 road company shall accept each such loaded car and trans-
25 port the same over its lines in accordance with the proper
26 and lawful billing of the shipper of the contents of any
27 such car. Provided that nothing in this act shall be con-
28 strued to require through billing of freight between steam
29 railroad companies and electric railroad companies; nor as
30 requiring, or authorizing said commission to require, any
31 electric railroad to engage in interstate commerce.

Sect. 2. Whenever a physical connection has been made
2 between the tracks of a steam railroad company and an elec-
3 tric railroad company, either voluntarily or by order of the
4 Public Utilities Commission, as provided in the preceding

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

Sect. 3. The duties imposed upon carriers and the author-
2 ity conferred upon the Public Utilities Commission by this
3 act shall extend only to an auxiliary service by electric rail-
4 roads, and said commission shall not be authorized to require
5 any physical connection or service herein provided for in

6 any case where there are existing steam railroad facilities
7 which can be with reasonable convenience used by the per-
8 sons who desire the above named electric railroad service.
9 Whenever any steam railroad freight car is hauled onto the
10 rails of any electric railroad company, such car shall be re-
11 turned to the steam railroad at the same junction point
12 where taken without other use than that for which such
13 car was taken. It shall be the duty of said commission in
14 making any order for physical connection and the service
15 herein provided for to reasonably protect each steam rail-
16 road company from "short hauling" itself. Nothing herein
17 contained shall be construed as requiring any common car-
18 rier to give the use of its tracks or terminal facilities to
19 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 elec-
7 tricity as its motive power.