

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 522

House of Representatives, March 8, 1917.

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

W. R. ROIX, Clerk.

Presented by Mr. Bussabarger of Lubec.

STATE OF MAINE

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

AN ACT to permit individuals and corporations to own rolling stock and for fixing the terms of its haulage by steam railroads of the State.

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

Section 1. Individuals and corporations, both public and private, and co-operative associations organized under the laws of this state are authorized and empowered to own freight cars for the transportation of freight upon steam railroads of the state; they are authorized to maintain offices and solicit and collect freight for transportation upon

7 such cars. Such individuals, corporations or co-operative
8 associations shall have the right to have such cars trans-
9 ported or hauled upon the tracks of any steam railroad in
10 the state at a rate of compensation to be paid such railroad
11 corporations as may be agreed upon (between such individ-
12 ual corporation or co-operative association and the railroad
13 corporations of the state) and if an agreement satisfactory
14 to such individuals or corporations cannot be reached, then
15 compensation shall be fixed by the Public Utilities Commis-
16 sion. Such compensation for mileage shall be determined
17 upon the per mile or per car basis, irrespective of the con-
18 tents of such car or the ownership of such contents. And
19 in computing such compensation the Public Utilities Com-
20 mission shall be guided by the operating cost of such mile-
21 age, the actual labor and expense involved therein, and a
22 reasonable return upon the physical property of the rail-
23 road as actually used in such transportation; it being the
24 intent and purpose of this act that the railroads shall pro-
25 vide the road-bed, tracks, terminals and traction power, and
26 shall be paid a reasonable return for the actual hauling ser-
27 vice and fixed charges performed, irrespective of the con-
28 tents or ownership of the contents of such car.

Sect. 2. The Public Utilities Commission shall have pow-
2 er to demand and require of all railroad corporations with-
3 in the state a statement of actual charges made to any or
4 all individuals or corporations owning and operating private
5 cars within the state; such statement shall be made under

6 oath and shall be kept on file by the Public Utilities Com-
7 mission.

Sect. 3. The Public Utilities Commission shall fix the
2 terms and conditions under which such private cars shall
3 be received by the railroads, the method of loading and
4 packing the same, and all other conditions surrounding the
5 receipt, transmission and delivery of such cars.

Sect. 4. The railroads operating in the state shall accept
2 and transport private cars offered to them for transporta-
3 tion under terms agreed upon between the railroads and the
4 owners of such cars, or upon such terms as may be fixed
5 by the Public Utilities Commission; they shall transport
6 them promptly and safely to their destination; shall be liable
7 for all damage to such cars or their contents; and in case
8 of failure to transport such cars or of any wilful neglect
9 or refusal promptly to deliver them to their destination, or
10 for any wilful or intentional injury or gross carelessness in
11 the performance of the conditions herein provided, the rail-
12 roads shall be liable for double the damages suffered by the
13 car owner, who is hereby made the agent of any and all
14 consignors shipping through him for the collection of dam-
15 ages or the protection of their interests.

Sect. 5. Any railroad refusing to comply with the condi-
2 tions of this act, or wilfully responsible for any damage or
3 delay, or otherwise guilty of a violation of the conditions
4 imposed by contract or by orders of the Public Utilities
5 Commission, shall be liable to a fine of five thousand dol-

6 lars, one-half of which shall be paid to the owner of such
7 cars, and one-half of which shall be paid into the treasury of
8 the state. Suits for the collection of damages or for the
9 penalties herein provided for shall be brought in the Supe-
10 rior Court of the county from which such cars are shipped,
11 and the jurisdiction of such court shall be exclusive and
12 final. Suits for the collection of damages under this act or
13 for the collection of penalties herein provided shall have
14 precedence over all other causes.

Sect. 6. All acts or parts of acts in conflict with this act
2 are hereby repealed.