

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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SENATE

NO. 86

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In Senate, Feb. 14, 1923.

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

L. ERNEST THORNTON, Secretary.

Presented by Senator Hinckley of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-THREE

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AN ACT to Amend Section Fifty of Chapter Fifty-five of the Revised Statutes, as Amended by Chapter One Hundred Thirty-one of the Public Laws of Nineteen Hundred Seventeen, Authorizing Complaint by a Utility Against Itself, and Empowering the Public Utilities Commission to Order Refund.

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

Section fifty of chapter fifty-five of the revised statutes  
2 and as amended by chapter one hundred thirty-one of the  
3 public laws of nineteen hundred seventeen, is hereby fur-  
4 ther amended by inserting in the first line thereof the words  
5 'The public Utilities commission may institute or,' and by

6 striking out in the seventh line thereof the word “thirty”  
7 and inserting in lieu thereof the word ‘ninety,’ and by in-  
8 serting in said seventh line thereof after the word “days,”  
9 the words ‘after the rendering of any service within the  
10 state of Maine,’ and by striking out in said seventh line  
11 thereof the word “published” and inserting in lieu thereof  
12 the word ‘filed,’ and by striking out in the eleventh line  
13 thereof the words “six months” and inserting in lieu there-  
14 of the words ‘two years,’ so that said section as amended  
15 shall read as follows:

‘Sect. 50. *Proceedings when complaint of discriminatory*  
2 *charge is not made by utility. Public utilities commission*  
3 *may order refund.* The public utilities commission may  
4 institute or any public utility may make complaint as to  
5 any matter affecting its own product, service or charges,  
6 with like effect as though made by any ten persons, firms,  
7 corporations or associations. And the commission may  
8 authorize reparation or adjustment where the utility admits  
9 that a rate charged was excessive or unreasonable, or col-  
10 lected through error, and it appears that the utility has  
11 subsequently within ninety days, after the rendering of any  
12 service within the state of Maine, filed the rate to which  
13 the reduction is authorized in place of the rate which is  
14 admitted to be excessive or unreasonable; provided, how-  
15 ever, that such new rate so published shall continue in force  
16 one year unless sooner changed by the order or with the  
17 consent of the commission. Within two years after the

18 rendering of any service within the state of Maine by any  
19 public utility, for which service a rate, toll or charge is  
20 made by such utility, any person, firm, corporation or asso-  
21 ciation aggrieved may complain to the commission that the  
22 rate, toll or charge exacted for such service is unjustly  
23 discriminatory against him, or it, either because it is higher  
24 than that charged by the same utility for the same service,  
25 or service of similar value and cost, rendered to other users  
26 or consumers thereof, or because the utility has failed,  
27 without reasonable cause, to make a more favorable rate,  
28 toll or charge, published by it for the same or a similar  
29 service, as aforesaid, applicable to the said user or con-  
30 sumer, or to the class of users or consumers to which he  
31 or it belongs, or at the place at which said service is ren-  
32 dered. Within six months after an order has been made  
33 authorizing reparation or adjustment under the second sen-  
34 tence of this section, any person, firm, corporation or asso-  
35 ciation aggrieved may complain to the commission that he  
36 or it is entitled to reparation from the same utility by rea-  
37 son of the payment of the same rates which said utility  
38 admits are excessive or unreasonable, or collected through  
39 error; provided, said utility might lawfully have been per-  
40 mitted to make such reparation on its own petition, and,  
41 provided further, such person, firm, corporation or asso-  
42 ciation shall have made written request for such utility to  
43 file its own petition for authority to make such reparation  
44 or adjustment not less than thirty days before filing the

45 aforesaid complaint. Upon receipt of either of the afore-  
46 said complaints the commission shall make such investi-  
47 gation as it deems necessary to determine whether a hear-  
48 ing ought to be given thereon. It may order a hearing  
49 upon such notice to said utility as it deems just and rea-  
50 sonable. If, upon such hearing, the commission shall de-  
51 cide that the complainant has been injured in either of the  
52 ways herein mentioned, it shall find what sum said utility  
53 ought to refund or repay to said complainant on account  
54 thereof, which said sum said utility shall have the right to  
55 refund. If it shall refuse or neglect to make such refund  
56 within thirty days, the party aggrieved thereby may main-  
57 tain an action in the courts of this state to recover said  
58 amount, and in the trial thereof the findings of this com-  
59 mission shall be prima facie evidence of the truth of the  
60 facts found by it, and no utility shall be permitted to avail  
61 itself of the defense of such action that the service in-  
62 volved was in fact made on the published tariff rate in  
63 force at the time it was rendered; but no utility making  
64 a refund upon the order of the commission or pursuant to  
65 judgment of the court as herein provided, shall be liable  
66 for any penalty or forfeiture, or subject to any prosecu-  
67 tion under the laws of this state on account of making such  
68 refund.'