

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 191

In Senate, March 2, 1923.

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

L. ERNEST THORNTON, Secretary.

Presented by Senator Smith of Somerset.

STATE OF MAINE

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

AN ACT Authorizing the Appointment of a Fuel Administrator and Defining His Powers and Duties.

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

Section 1. At any time when in the judgment of the
2 governor and council an emergency exists by reason of the
3 shortage of fuel, the governor, with the advice and consent
4 of the council, may appoint a fuel administrator, who shall
5 hold his office until the governor and council shall declare
6 such emergency terminated. Any vacancy in said office
7 may be filled in the same manner. Such fuel administrator
8 shall have his office at the capitol, shall have necessary
9 clerical assistance and shall keep a record of all proceedings

10 and orders pertaining to the matters under his direction.
11 He shall submit to the governor at the end of his term of
12 office a report of his doings therein. The salary of the
13 fuel administrator shall be fixed by the governor and coun-
14 cil and he shall be allowed in addition thereto his actual
15 necessary expenses while on official duty.

Sect. 2. The fuel administrator may appoint in any town
2 a local administrator to serve without salary who shall
3 have the power to issue, subject to written approval of the
4 state fuel administrator, orders or regulations governing
5 the purchase, control, sale and distribution of fuel in said
6 town.

Sect. 3. Whenever in the judgment of the fuel adminis-
2 trator, it is necessary to relieve or avert distress, in any
3 part of the state, arising out of a present or prospective
4 shortage of fuel, the fuel administrator is authorized and
5 empowered to seize, divert or otherwise control fuel,
6 whether in storage, transit or otherwise, and to allocate,
7 transport or otherwise assume control over such fuel for
8 the purpose of this act.

Sect. 4. Said state fuel administrator shall have power
2 and authority within the state, and without interference
3 with interstate commerce, to requisition, operate and cause
4 to be operated any railway or trolley line or part thereof
5 for the purpose of transporting fuel, and to requisition,
6 divert and procure the use of engines and other rolling
7 stock for that purpose; and said state fuel administrator

8 shall likewise have power to requisition and procure the
9 use of motor cars, trucks and other manner of transporta-
10 tion for the purpose of this act.

Sect. 5. The fuel administrator is authorized to make,
2 subject to the approval of the governor and council, orders
3 and regulations concerning the condemnation, supervision,
4 control, sale and distribution of fuel, and such orders and
5 regulations shall be published in a newspaper in each county
6 of the state for a period of two days. But the publication
7 of such orders and regulations shall not be taken to limit
8 or prevent in the meantime the carrying out of the orders
9 of said fuel administrator.

Sect. 6. The fuel administrator and his employees or
2 appointees engaged in the performance of their duties as
3 such may, at all reasonable times, enter any premises,
4 buildings, cars or other places, except dwelling houses,
5 where fuel is stored, and any person obstructing, or in any
6 way causing to be obstructed or hindered such adminis-
7 trator, employee or appointee of said fuel administrator in
8 the performance of his duties as such, shall be fined not
9 more than two hundred dollars, or imprisoned not more
10 than six months, or both.

Sect. 7. Whenever any person, firm or corporation shall
2 be aggrieved over the amount of compensation paid for
3 fuel seized or diverted under this act, an action may be
4 brought in the supreme judicial or superior court for the
5 county in which the plaintiff resides, for such further sum

6 as added to the amount so paid shall amount to just com-
7 pensation for such fuel. Said courts are authorized to take
8 jurisdiction over such claims and make such award upon
9 such claims as is deemed just and proper, and render judg-
10 ment therefor. Said suit must be brought within sixty days
11 from the time the right of action accrues.

Sect. 8. Any person, firm or corporation aggrieved by any
2 action, order or regulation of the fuel administrator in any
3 matter to which he or it was made a party, may appeal
4 therefrom to the supreme judicial or superior court within
5 fifteen days after the filing of such action, order or regula-
6 tion. Such appeal shall not act as a stay of the order
7 appealed from. The supreme judicial or superior court for
8 any county is authorized to take jurisdiction over such
9 appeals, and make such decree upon such appeal as it deems
10 just and proper and render judgment therefor.

Sect. 9. The governor and council are hereby authorized
2 to set aside and use such a sum from the contingent fund
3 as may be necessary for the carrying out of the provisions
4 of this act. All receipts of the fuel administrator in the
5 resale of fuel shall be paid over to the state treasurer, and
6 shall constitute a special revolving fund for the uses and
7 purposes of this act, the proceeds of such sales and resales
8 to be available for purchases but not for administration
9 expenses.

Sect. 10. Every person, firm, corporation, or their agents
2 or employees, who shall violate any provisions of this act,

3 or any orders or regulations of the fuel administrator, shall
4 be fined not more than five hundred dollars, or imprisoned
5 not more than six months, or both.

Sect. 11. For the further enforcement of the provisions
2 of this act, the fuel administrator is empowered to call upon
3 the sheriffs and their deputies, and police officers to assist
4 him in enforcing the terms hereof.

Sect. 12. The powers of the fuel administrator, granted
2 under this act shall be in force whenever the governor and
3 council by proclamation shall declare, that an emergency
4 exists in the fuel situation in this state, and shall be in
5 abeyance when the governor and council shall declare such
6 emergency terminated.