

# MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

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Senate Document

No. 90

S. P. 224

In Senate, Feb. 16, 1927.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Oakes 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-SEVEN

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AN ACT to Amend Section Two, Chapter Forty-four of the Public Laws of Nineteen Hundred and Seventeen, Relating to Proposed Changes in Freight Rates.

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

That section two of chapter forty-four of the public laws 2 of nineteen hundred and seventeen be amended by striking 3 out in the first paragraph of said section the word "thirty" 4 and substituting therefor the word 'sixty;' by striking out 5 in the second sentence of the second paragraph of said sec- 6 tion the following words:

"After such hearing and investigation the commission may 2 make such order, within a period of not less than six months 3 after the effective date of the schedule setting forth such

4 change or changes with reference to any proposed new  
5 rate, joint rate, fare, rental, toll, classification, charge, rule,  
6 regulation or form of contract or agreement proposed as  
7 would be proper under existing law in a proceeding initi-  
8 ated upon complaint or upon motion of the commission in  
9 any rate investigation;" and substituting therefor the fol-  
10 lowing.

‘Hearings shall be held and completed and briefs shall be  
2 filed (the filing of which may be waived) without delay,  
3 and within six months after the completion of said hearings,  
4 or if briefs be filed, after such filing, time for which shall  
5 be specified by the commission, a decision shall be rendered  
6 and such order entered as would be proper in a proceeding  
7 initiated upon complaint or upon motion of the commission  
8 in any rate investigation;’

And be further amended by adding at the end of the sec-  
2 ond paragraph of said section two the following:

‘Whenever any carrier shall file with the public utilities  
2 commission, and also with the interstate commerce com-  
3 mission, a tariff containing both intrastate rates and inter-  
4 state rates on the same commodity, and prior to the effective  
5 date thereof the interstate rates are suspended by the inter-  
6 state commerce commission; then the public utilities com-  
7 mission shall have power to suspend, at any time within ten  
8 days after the date of the suspension order issued by the  
9 interstate commerce commission, the proposed intrastate  
10 rates, and such suspension may be kept in full force and

11 effect so long as the interstate rates shall continue under  
12 suspension with a reasonable time thereafter for preparation  
13 of and issue of decision. The public utilities commission  
14 may, with the consent of the governor and council, hold  
15 joint hearing with the interstate commerce commission with  
16 respect to the relationship between rate structures and prac-  
17 tices of carriers subject to the jurisdiction of the public  
18 utilities commission and the interstate commerce commis-  
19 sion, in accord with the provisions of the Act to Regulate  
20 Commerce and applicable amendments;’ so that said section  
21 two, as amended, shall read as follows:

‘Sect. 2. Whenever the public utilities commission re-  
2 ceives notice of any change or changes proposed to be  
3 made in any schedule of new rates, joint rates, fares, rent-  
4 als, tolls, classifications, charges, rules, regulations or forms  
5 of contract or agreement affecting the transportation of  
6 freight, and filed with said commission under the provisions  
7 of law, said commission shall have power at any time with-  
8 in sixty days after the effective date of such change or  
9 changes, either upon complaint or upon its own motion, and  
10 after reasonable notice, to hold a public hearing and make  
11 investigation as to the propriety of such proposed change  
12 or changes.

‘At any such hearing involving any change or changes as  
2 above specified, the burden of proof to show that such  
3 change is reasonable, shall be upon the common carrier.  
4 Hearings shall be held and completed and briefs shall be

5 filed (the filing of which may be waived) without delay,  
6 and within six months after the completion of said hear-  
7 ings, or if briefs be filed, after such filing, time for which  
8 shall be specified by the commission, a decision shall be ren-  
9 dered and such other entered as would be proper in a pro-  
10 ceeding initiated upon complaint or upon motion of the  
11 commission in any rate investigation; and in cases involv-  
12 ing an increase in an existing rate, joint rate, toll, fare, rent-  
13 al or charge affecting the transportation of freight, if the  
14 commission shall find that such increase is unreasonable it  
15 may, by proper order, determine and fix the maximum rate,  
16 joint rate, toll, fare, rental or charge which may thereafter  
17 be collected for the service rendered, and no rate, joint rate,  
18 toll, fare, rental or charge affecting the transportation of  
19 freight in excess thereof shall be filed within a period of  
20 one year after the making of such order; and the commis-  
21 sion, by proper order, may require the common carrier  
22 which has filed any such increased rate, joint rate, toll, fare,  
23 rental or charge affecting the transportation of freight to  
24 refund, in such manner and under such conditions as may  
25 be prescribed by the commission, to all persons from whom  
26 charges have been collected by virtue of the schedules under  
27 investigation, any and all sums collected in excess of the  
28 rate, joint rate, toll, fare, rental or charge affecting the  
29 transportation of freight so determined and fixed by the  
30 commission as being the maximum rate, joint rate, toll,  
31 fare, rental or charge to be collected, and may require due

32 report of the refund so made. Whenever any carrier shall  
33 file with the public utilities commission, and also with the  
34 interstate commerce commission, a tariff containing both  
35 intrastate rates and interstate rates on the same commodity,  
36 and prior to the effective date thereof the interstate rates  
37 are suspended by the interstate commerce commission; then  
38 the public utilities commission shall have power to suspend,  
39 at any time within ten days after the date of the suspen-  
40 sion order issued by the interstate commerce commission,  
41 the proposed intrastate rates, and such suspension may be  
42 kept in full force and effect so long as the interstate rates  
43 shall continue under suspension, with a reasonable time  
44 thereafter for preparation of and issue of decision. The  
45 public utilities commission may, with the consent of the  
46 governor and council, hold joint hearing with the interstate  
47 commerce commission with respect to the relationship be-  
48 tween rate structures and practices of carriers subject to the  
49 jurisdiction of the public utilities commission and the inter-  
50 state commerce commission, in accord with the provisions  
51 of the Act to Regulate Commerce and applicable amend-  
52 ments.'