

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-THIRD LEGISLATURE

Senate Document

No. 364

S. P. 613

In Senate, April 5, 1927.

Reported by Senator Dunbar from Committee on Public Utilities and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

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

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.

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 adding 3 at the end of the second paragraph of said section two the 4 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
8 ten days after the date of the suspension order issued by
9 the 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 prepara-
13 tion of and issue of decision. The public utilities commis-
14 sion 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 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 made
3 in any schedule of new rates, joint rates, fares, rentals, tolls,
4 classifications, charges, rules, regulations or forms of con-
5 tract or agreement affecting the transportation of freight,
6 and filed with said commission under the provisions of law,
7 said commission shall have power at any time within thirty
8 days after the effective date of such change or changes,
9 either upon complaint or upon its own motion, and after
10 reasonable notice, to hold a public hearing and make inves-

11 tigation as to the propriety of such proposed change or
12 changes.

At any such hearing involving any change or changes as
2 above specified the burden of proof to show that such change
3 is reasonable shall be upon the common carrier. After such
4 hearing and investigation the commission may make such
5 order, within a period of not less than six months after the
6 effective date of the schedule setting forth such change or
7 changes with reference to any proposed new rate, joint rate,
8 fare, rental, toll, classification, charge, rule, regulation or
9 form of contract or agreement proposed as would be proper
10 under existing law in a proceeding initiated upon complaint
11 or upon motion of the commission in any rate investigation;
12 and in cases involving an increase in an existing rate, joint
13 rate, toll, fare, rental or charge affecting the transportation
14 of freight, if the commission shall find that such increase
15 is unreasonable it may, by proper order, determine and fix
16 the maximum rate, joint rate, toll, fare, rental or charge
17 which may thereafter be collected for the service rendered,
18 and no rate, joint rate, toll, fare, rental or charge affect-
19 ing the transportation of freight in excess thereof shall be
20 filed within a period of one year after the making of such
21 order; and the commission, by proper order, may require
22 the common carrier which has filed any such increased rate,
23 joint rate, toll, fare, rental or charge affecting the trans-
24 portation of freight to refund, in such manner and under
25 such conditions as may be prescribed by the commission,

26 to all persons from whom charges have been collected by
27 virtue of the schedules under investigation, any and all sums
28 collected in excess of the rate, joint rate, toll, fare, rental
29 or charge affecting the transportation of freight so deter-
30 mined and fixed by the commission as being the maximum
31 rate, joint rate, toll, fare, rental or charge to be collected,
32 and may require due report of the refund so made. When-
33 ever any carrier shall file with the public utilities commis-
34 sion, and also with the interstate commerce commission, a
35 tariff containing both intrastate rates and interstate rates on
36 the same commodity, and prior to the effective date there-
37 of the interstate rates are suspended by the interstate com-
38 merce commission; then the public utilities commission shall
39 have power to suspend, at any time within ten days after
40 the date of the suspension order issued by the interstate
41 commerce commission, the proposed intrastate rates, and
42 such suspension may be kept in full force and effect so long
43 as the interstate rates shall continue under suspension with
44 a reasonable time thereafter for preparation of and issue
45 of decision. The public utilities commission may, with the
46 consent of the governor and council, hold joint hearing with
47 the interstate commerce commission with respect to the re-
48 lationship between rate structures and practices of carriers
49 subject to the jurisdiction of the public utilities commission
50 and the interstate commerce commission; in accord with the
51 provisions of the Act to Regulate Commerce and applicable
52 amendments.