

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Seventh Legislature

1915

[supplied from page 1 of volume]

CHAP. 346 a straight line from Schoodic point, so-called, to Great Head, so-called; on the west by Thompson's toll bridge.'

Approved April 2, 1915.

Chapter 346.

An Act Fixing the Pay of the Night Watchmen of the State House.

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

—salary of
night
watchmen.

Section 1. The salary of the night watchmen of the State House shall be one thousand dollars per annum, payable in equal monthly installments.

—incon-
sistent acts
repealed.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 2, 1915.

Chapter 347.

An Act Amendatory of and Additional to Chapter One Hundred Twenty-nine of the Public Laws of Nineteen Hundred Thirteen, Entitled, "An Act to Create a Public Utilities Commission" and Prescribing the Duties and Powers Thereof, and to Amend Certain Provisions of the Revised Statutes and of the Public Laws of the State of Maine, Relating to Public Utilities.

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

Ch. 129, Sec.
9, P. L.,
1913,
amended.

Section 1. Section nine of chapter one hundred twenty-nine of the Public Laws of nineteen hundred thirteen is amended by striking out the last thirteen words of the paragraph defining an "express company," so that said paragraph as amended shall read as follows:

Express
company,
now defined
by this act.

'Section 9. The term "express company" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in, or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or over any stage line or auto stage line within the State.'

Ch. 129, Sec
25, P. L.,
1913,
amended.
No unrea-
sonable
preference
of rebate.

Section 2. Section twenty-five of said chapter one hundred twenty-nine is hereby amended so as to read as follows:

'Section 25. It shall be unlawful for any public utility to charge, demand, collect or receive a greater or less compensation except as otherwise provided in section thirty-two of this act, for any service performed by it within the State or for any service in connection therewith, than is specified in such printed schedules, including schedules of joint rates, as may at the time

be in force, or to demand, collect or receive any rate, toll or charge not specified in such schedules; provided, however, that any shipper may have a combined rate for through shipments over connecting lines of common carriers which shall not exceed the sum of the charges over the several lines between the two terminals of the shipment for the same commodity under the most favorable terms prescribed in the printed schedules for the connecting common carriers, if he shall have made application therefor in writing to any agent of the initial carrier twenty-four hours before such shipment is to be made; and such terms taken together shall be construed to be a joint printed schedule rate for such commodity going in the same direction between such points and shall then be and remain open to the public without such twenty-four hours' notice until cancelled by the publishing of new rates for the same commodity by any such carrier, and no such carrier shall refuse to consign through to its destination in this State, and no such connecting carrier to receive and transport on such consignment, any commodity which is regularly a subject of carriage and through billing or consignment on the same and such connecting lines. The rates, tolls and charges named therein shall be the lawful rates, tolls and charges until the same are changed as provided in this act. The Commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.'

Section 3. Section thirty-two of said chapter one hundred twenty-nine is hereby amended so as to read as follows:

'Section 32. It shall be unlawful for any person, firm or corporation knowingly to solicit, accept or receive any rebate, discount or discrimination in respect to any service rendered or to be rendered by any public utility, or for any service in connection therewith whereby any such service shall in any manner, or by any device whatsoever, be rendered free or at a rate less than named in the schedules in force as provided herein or whereby any service or advantage is received other than is herein specified; provided that this act shall not prohibit such free or reduced rates by public utilities as is defined and provided for in the acts of Congress entitled, "An Act to Regulate Commerce" and acts amendatory thereof, nor free or reduced transportation to the officers of leased lines or to police officers or firemen in uniform or of municipal fire apparatus, editors and regular reporters of newspapers, nor free transportation under the provision of section fifty-three of chapter fifty-one of the Revised Statutes as amended by section eighteen of this act; nor shall it be construed to prohibit any public

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—combined rate for through shipment, how provided for.

—lawful rates, tolls and charges.

Commission may change form of schedule.

Ch. 129, Sec. 32, P. L., 1913, amended.

—Unlawful to receive or solicit rebate.

—exception.

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—special rates.
 —furnishing of product or service shall not constitute a discrimination.

—proviso.

—penalty.

utility from granting service at free or reduced rates for charitable or benevolent purposes, provided the same be approved by the Commission, nor shall it be unlawful for any public utility to make special rates to its employees or in cases of emergency service, nor shall the furnishing by any public utility of any product or service at the rates and upon terms and conditions provided for in any contract in existence January first, nineteen hundred thirteen be construed as constituting a discrimination, or undue or unreasonable preference, or advantage within the meaning specified; provided, however, that when any such contract or contracts are or become terminable by notice of such utility the Commission shall have power in its discretion to direct by order that such contract or contracts shall be terminated by such utility as and when directed by such order; and provided, further, that it shall be lawful for any public utility to make a contract for a definite term subject to the approval of the Commission, for its product or service, but such published rates shall not be changed during the term of the contract without the consent of the Commission. Any person, firm or corporation violating the provisions of this section shall be punished by a fine of not more than one thousand dollars for each offense.'

Ch. 129, Sec. 33, P. L., 1913, amended.

Section 4. Section thirty-three of chapter one hundred twenty-nine is hereby amended by substituting for the last sentence thereof the words, 'Section sixty-five to sixty-nine both inclusive of chapter fifty-two of the Revised Statutes are hereby repealed,' so that said section as amended shall read as follows:

Commission shall investigate accidents.

'Section 33. In the event of an accident resulting in the loss of human life occurring upon the premises of any public utility, or directly or indirectly arising from or connected with its maintenance or operation, the Commission shall cause an investigation thereof to be made forthwith, and in the event of any such accident resulting in personal injury or damage to property the Commission may make such investigation if in its judgment the public interest requires it, which investigation shall be held in the locality of the accident, unless for the greater convenience of those concerned it shall order such investigation to be held at some other place; such investigation may adjourn from place to place as may be found necessary and convenient. The Commission shall seasonably notify the public utility of the time and place of the investigation, and such public utility may then be heard; and the Commission shall have power to make such order or recommendation with respect thereto as in

its judgment may seem just and reasonable. Every public utility is hereby required to file with the Commission under such rules and regulations as the Commission may prescribe, reports of accidents so occurring, in the manner and form designated by the Commission; provided, however, that in case of accidents resulting in loss of human life, such report shall be made immediately by telephone or telegraph followed by a detail written report; provided that neither the order nor recommendation of the Commission nor any accident report filed with the Commission shall be admitted as evidence in any action for damages based on or arising out of the loss of life or injury to person or property in this section referred to. Sections sixty-five to sixty-nine, both inclusive, of chapter fifty-two of the Revised Statutes are hereby repealed.'

Section 5. Section thirty-seven of said chapter one hundred twenty-nine is hereby amended by inserting between the words "shall" and "declare" in the first line the words 'decrease its capital stock or,' so that said section as amended shall read as follows:

'Section 37. No public utility shall decrease its capital stock or declare any stock, bond or scrip dividend or divide the proceeds of the sale of its own or any stock, bond or scrip among stockholders without the consent of the Commission.'

Section 6. Section thirty-five of said chapter one hundred twenty-nine as amended by chapter two hundred sixteen of the Public Laws of nineteen hundred thirteen is hereby amended, so as to read as follows:

'Section 35. Any public utility now organized and existing, and doing business in the State or hereafter incorporated under and by virtue of the laws of the State of Maine may issue stocks, bonds, which may be secured by mortgages of its property, franchises or otherwise, notes or other evidences of indebtedness payable at periods of more than twelve months after the date thereof, when necessary for the acquisition of property to be used for the purpose of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for such other purposes as may be authorized by law; provided and not otherwise, that upon written application, setting forth such information as the Commission may require, there shall have been secured from the Commission an order authorizing such issue and the amount thereof, and stating that in the opinion of the Commission the sum of the capital to be secured by the issue of said stocks, bonds, notes or other evidences of

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—Public Utilities shall report accidents to Commission.

—accidents, resulting in death shall be reported by telegraph or telephone. Sections 65-69, inclusive, repealed.

Ch. 129, Sec. 37, P. L., 1913, amended.

Utility shall get consent to decrease stock or declare dividend.

Ch. 129, Sec. 35, P. L., 1913, amended.

Issue must be authorized by the Commission.

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—shall not apply.

Commission may make investigations to determine necessity of issuance.

—proviso.

Ch. 129, Sec. 48, P. L., 1913, amended.

—additional.

Utility may make complaint.

Commission may authorize reparation or adjustment.

indebtedness is required in good faith for purposes enumerated in this section; but the provisions of this act shall not apply to any stocks or bonds or other evidences of indebtedness heretofore lawfully authorized and issued; provided, however, that the Commission may at the request of any public utility approve the issue of any stocks or bonds heretofore authorized but not issued. For the purpose of enabling the Commission to determine whether it shall issue such an order, the Commission shall make such inquiries for investigation, hold such hearings and examine such witnesses, books, papers, documents or contracts as it may deem of importance in enabling it to reach a determination. No order of the Commission authorizing the issue of any stocks, bonds, notes, or other evidences of indebtedness shall limit or restrict the powers of the Commission in determining and fixing any rate, fare, toll, charge, classification schedule or joint rate as provided in this act; provided, however, that no public utility shall be required to apply to the Commission for authority to issue stocks, bonds, notes or other evidences of indebtedness for the acquisition of property, for the purposes of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or the improvement or maintenance of its service outside the State, and this proviso shall apply also to the following section.'

Section 7. Section forty-eight of said chapter one hundred twenty-nine is hereby amended by adding thereto the words, 'And the Commission may authorize reparation or adjustment where the utility admits that a rate charged was excessive or unreasonable, or collected through error, and it appears that the utility has subsequently within thirty days published the rate which the reduction is authorized in place of the rate which is admitted to be excessive or unreasonable; provided, however, that such new rate so published shall continue in force one year unless sooner changed by the order or with the consent of the Commission,' so that said section as amended shall read as follows:

'Section 48. Any public utility may make complaint as to any matter affecting its own product, service or charges with like effect as though made by any ten persons, firms, corporations or associations. And the Commission may authorize reparation or adjustment where the utility admits that a rate charged was excessive or unreasonable or collected through error, and it appears that the utility has subsequently within thirty days published the rate to which the reduction is authorized in place of the rate which is admitted to be excessive or

unreasonable; provided, however, that such new rate so published shall continue in force one year unless sooner changed by the order or with the consent of the Commission.'

Section 8. Section fifty of said chapter one hundred twenty-nine is hereby amended by adding thereto the words:

'Provided, however, that in all investigations under section thirty-three, where the public utility is a common carrier of persons, it shall transport all witnesses over its lines free of charge under such regulation as the Commission may establish and provided, further, that there shall be deducted from the mileage allowed witnesses under this section who travel, or may travel, to and from the place of hearing on any pass or other form of free transportation, a sum equal to the fare to and from said place at the lowest published rates for single trip or return trip tickets,' so that said section as amended shall read as follows:

'Section 50. Each witness who shall appear before the Commission by its order, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the Supreme Judicial court, which shall be audited and paid by the State in the same manner as other state expenses are audited and paid upon the presentation of proper vouchers approved by the Commission. Provided, however, that in all investigations under section thirty-three, where the public utility is a common carrier of persons, it shall transport all witnesses over its lines free of charge under such regulations as the Commission may establish; and provided, further, that there shall be deducted from the mileage allowed witnesses under this section who travel, or may travel, to and from the place of hearing on any pass or other form of free transportation a sum equal to the fare to and from said place at the lowest published rates for single trip or return trip tickets.'

Section 9. Section sixteen of chapter fifty-one, Revised Statutes, is hereby amended by inserting between the words "purposes" and "aid" in the fourth line thereof the words 'with the consent of the Public Utilities Commission,' and by striking out the last eighteen words thereof, so that said section as amended shall read as follows:

'Section 16. Any railroad corporation, wholly organized under the laws of this State, at any time when it has paid dividends for the preceding three years, may, by vote of its directors, authorized or confirmed by a two-thirds vote of its stockholders, at a meeting notified for the purposes, with the consent of the Public Utilities Commission, aid in the construction

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—proviso.

Ch. 129, Sec.
50, P. L.,
1913,
amended.
—addi-
tional.

Witnesses
and fees.

—proviso.

—transportation free
of charge.

Ch. 51, Sec.
16, R. S.,
amended.

Commis-
sion may
grant con-
sent for
railroad
corpora-
tions to aid
branch or
connecting
roads.

CHAP. 347 or equipment of a branch of its railroad, or in the construction or equipment of a connecting railroad, and may own and hold the securities of such branch or of such connecting railroad.'

Certain sections repealed.

Sec. 76, amended.

Railroad Commissioners shall issue report to parties interested.

Section 10. The last sentence of section seventy-six and all of sections seventy-seven and seventy-eight of chapter fifty of the Revised Statutes are hereby repealed, section seventy-six as amended to read as follows:

'Section 76. The Board of Railroad Commissioners shall make a report in writing of their decision in all matters named in the three preceding sections, file the same in their office, and cause a copy of such decision to be sent by mail to each of the railroad corporations, or the municipal officers of the cities or towns as the case may be, interested therein.'

Ch. 52, Sec. 1, R. S., amended.

Section 11. Section one of chapter fifty-two of the Revised Statutes is hereby amended by striking out all thereof after the word "notwithstanding" in the ninth line, so that said section as amended shall read as follows:

Railroad corporations may establish fares and tolls, subject to alterations by the Legislature or authorized persons.

'Section 1. Any railroad corporation may establish and collect for its sole benefit, fares, tolls and charges, upon all passengers and property conveyed and transported on its railroad, at such rates as may be determined by the directors thereof, and shall have a lien on its freight therefor; and may from time to time by its directors regulate the use of its road; provided that such rates of fares, tolls and charges and regulations are at all times subject to alteration by the Legislature, or by such officers or persons as the Legislature may appoint for the purpose, anything in the charter of such corporation to the contrary notwithstanding.'

Section 30, Ch. 52, R. S., repealed.

Section 12. Section thirty of chapter fifty-two of the Revised Statutes is hereby repealed.

Sec. 32, Ch. 52, R. S., repealed.

Section 13. Section thirty-two of chapter fifty-two of the Revised Statutes is hereby repealed.

Sec. 24, Ch. 53, R. S., repealed.

Section 14. Section twenty-four of chapter fifty-three of the Revised Statutes is hereby repealed.

Sec. 9, Ch. 55, R. S., repealed.

Section 15. Section nine of chapter fifty-five of the Revised Statutes is hereby repealed.

Ch. 55, Sec. 11, R. S., amended.

Section 16. Section eleven of chapter fifty-five of the Revised Statutes is hereby amended by inserting after the word "parties" and before the word "and" in the sixth line thereof, the words 'subject, however, to the control of the Public Utilities Commission,' so that said section as amended shall read as follows:

Telegraph or telephone corporation may con-

'Section 11. Every corporation operating a telegraph or telephone line in the State may connect its line or lines with those of any or other like corporation, and may sell or lease its

lines or property, in whole or in part, to any other like corporation, and may purchase or lease the line, or lines, and property, in whole or in part, of any like corporation, upon such terms as may be agreed upon by the contracting parties, subject, however, to the control of the Public Utilities Commission; and may purchase, or take and hold as for public uses, land necessary for the construction and operation of its line. Land may be so taken and damages therefor may be estimated, secured, determined and paid as in case of railroads.'

Section 17. Chapter one hundred fifty-three, Public Laws of the State of Maine for the year nineteen hundred seven, as amended by chapter seventy-two of the Public Laws of the State of Maine for the year nineteen hundred nine is hereby repealed.

Section 18. Section fifty-three of chapter fifty-one of the Revised Statutes is hereby amended so as to read as follows:

'Section 53. Every public utility within the State shall furnish all reasonable facilities to the Public Utilities Commission for the prompt and faithful discharge of its duties, including free transportation to the Commissioners, their clerks, agents and employees on any railroad, street railroad and vessel within the State, when engaged in the discharge of their public duties, or going to or returning therefrom.'

Section 19. Section seventeen of chapter fifty-one of the Revised Statutes is hereby amended by adding thereto the following words: 'subject to the approval of the Public Utilities Commission in accordance with the procedure set forth in chapter one hundred twenty-nine of the Public Laws of the State of Maine for the year nineteen hundred thirteen,' so that said section as amended shall read as follows:

'Section 17. A railroad corporation which has a lease of, or which operates the railroad of another railroad corporation, may purchase and hold shares of the capital stock of such corporation, subject to the approval of the Public Utilities Commission in accordance with the procedure set forth in chapter one hundred twenty-nine of the Public Laws of the State of Maine for the year nineteen hundred thirteen.'

Section 20. Sections twelve to sixteen inclusive of chapter fifty-two of the Revised Statutes are hereby repealed.

Section 21. Wherever the words Railroad Commission, Railroad Commissioners and Commissioners, meaning Railroad Commissioners, appear in the present statutes of the State such sections are hereby amended by substituting therefor the words Public Utilities Commission, Public Utilities Commissioners and Commissioners respectively.

Approved April 2, 1915.

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nect with
other lines.

—may take
land for
construction
of its
line, by
paying
damages.

Ch. 153, P.
L., 1907, as
amended,
repealed.

Ch. 51, Sec.
53, R. S.,
amended.

—shall fur-
nish rea-
sonable
facilities to
Commis-
sion.

Ch. 51, Sec.
17, R. S.,
amended.

—addi-
tional.

May hold
shares in
another
road sub-
ject to
approval
of Commis-
sion.

Certain
sections of
Ch. 52,
repealed.

Public
Utilities
Commis-
sion shall
be substi-
tuted for
Railroad
Commis-
sion.