

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

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April, July and October. The sums above mentioned shall be in full compensation for the performance of all official duties and no other fees or compensation shall be allowed them. All registers, except in the western district of Oxford county, shall devote their entire time to the duties of the office. They shall account quarterly under oath to the county treasurers for all fees received by them or payable to them by virtue of the office, specifying the items, and shall pay the whole amount of the same to the treasurers of their respective counties quarterly on the fifteenth days of January, April, July and October of each year. They may make abstracts and copies from the records and furnish the same to persons calling for them and may charge a reasonable fee for such service, but shall not give an opinion upon the title to real estate. Fees charged by them for abstracts and copies shall be retained by them and not paid to the county.'

Approved March 8, 1923.

Chapter 31.

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

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

R. S., c. 55, sec. 50; P. L., 1917, c. 131; authorizing a utility to make complaint against itself, amended. Section fifty of chapter fifty-five of the revised statutes as amended by chapter one hundred and thirty-one of the public laws of nineteen hundred and seventeen, is hereby further amended by inserting in the first line thereof the words 'The Public Utilities Commission may institute or,' and by striking out in the seventh line thereof the word "thirty" and inserting in lieu thereof the word 'ninety,' and by inserting in said seventh line thereof after the word "days," the words 'after the rendering of any service within the State of Maine,' and by striking out in said seventh line thereof the word "published" and inserting in lieu thereof the word 'filed,' and by striking out in the eleventh line thereof the words "six months" and inserting in lieu thereof the words 'two years,' so that said section, as amended, shall read as follows:

'Sec. 50. The public utilities commission may institute complaint; rate to be filed within 90 days; complaint may be made at any time within two years. The Public Utilities Commission may institute or 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 ninety days, after the rendering of any service within the state of Maine, filed 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. Within two years after the rendering of any service within the state of Maine by any public utility, for which service a rate, toll or charge is made by such utility, any person, firm, corporation or association aggrieved may complain to the commission that the rate, toll or charge exacted for such service is unjustly discriminatory against him, or it, either because it is higher than that charged by the same utility for the same service, or service of similar value and cost, rendered to other users or consumers thereof, or because the utility has failed, without reasonable cause, to make a more favorable rate, toll or charge, published by it for the same or a similar service, as aforesaid, applicable to the said user or consumer, or to the class of users or consumers to which he or it belongs, or at the place at which said service is rendered. Within six months after an order has been made authorizing reparation or adjustment under the second sentence of this section, any person, firm, corporation or association aggrieved may complain to the commission that he or it is entitled to reparation from the same utility by reason of the payment of the same rates which said utility admits are excessive or unreasonable, or collected through error; provided, said utility might lawfully have been permitted to make such reparation on its own petition, and, provided further, such person, firm, corporation or association shall have made written request for such utility to file its own petition for authority to make such reparation or adjustment not less than thirty days before filing the aforesaid complaint. Upon receipt of either of the aforesaid complaints the commission shall make such investigation as it deems necessary to determine whether a hearing ought to be given thereon. It may order a hearing upon such notice to said utility as it deems just and reasonable. If, upon such hearing, the commission shall decide that the complainant has been injured in either of the ways herein mentioned, it shall find what sum said utility ought to refund or repay to said complainant on account thereof, which said sum said utility shall have the right to refund. If it shall refuse or neglect to make such refund within thirty days, the party aggrieved thereby may maintain an action in the courts of this state to recover said amount, and in the trial thereof the findings of this commission shall be prima facie evidence of the truth of the facts found by it, and no utility shall be permitted to avail itself of the defense of such action that the service involved was in fact made on the published tariff rate in force at the time it was rendered; but no utility making a refund upon the order of the commission or pursuant to judgment of the court as herein provided,

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shall be liable for any penalty or forfeiture, or subject to any prosecution under the laws of this state on account of making such refund.'

Approved March 8, 1923.

Chapter 32.

An Act to Amend Section Twenty-six of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as Amended by Chapter Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen and Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hundred and Nineteen and Chapter Two Hundred and Eighteen of the Public Laws of Nineteen Hundred and Twenty-one, Relating to the Taking of Smelts in the Tributaries to Sebago Lake.

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

P. L., 1917, c. 219, sec. 26; 1917, c. 244; 1919, c. 196; 1921, c. 218; relating to the taking of smelts, amended. Section twenty-six of chapter two hundred and nineteen of the public laws of nineteen hundred and seventeen, as amended by chapter two hundred and forty-four of the public laws of nineteen hundred and seventeen, and chapter one hundred and ninety-six of the public laws of nineteen hundred and nineteen and chapter two hundred and eighteen of the public laws of nineteen hundred and twenty-one, is hereby amended by inserting after the word "same" in the eleventh line of said section, the words 'except smelts not exceeding six inches in length taken with dip nets in the tributaries to Sebago lake may be sold for consumption as food within this state,' so that said section, as amended, shall read as follows:

'Sec. 26. Smelts not exceeding six inches in length taken with dip nets in tributaries of Sebago lake may be sold within the state. It shall be lawful, however, to take smelts in all the inland waters of the state above tide waters with a dip net in the usual and ordinary way, and to catch them through the ice in the day time with single hook and line at any time in waters open to ice fishing, but they shall not be taken for sale or sold at any time except for bait for fishing in this state; provided, however, that it shall be lawful to take smelts, with single hook and line, in the day time, in Sebago lake for sale within or without the state, during January, February and March of each year, but they shall not be taken with a dip net in the tributaries to Sebago lake except for consumption as food in the family of the person taking the same, except smelts not exceeding six inches in length taken with dip nets in the tributaries to Sebago lake may be sold for consumption as food within this state; and provided, further, that it shall be unlawful to take smelts at any time in Swan lake, or in any of the tributaries to said lake, in the County of Waldo, in any manner except with single hook and line. Provided, further, that it shall be lawful to take minnows and other fish usually used for bait in fishing,