

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-sixth Legislature

1953

Chapter 375

AN ACT Exempting Ships' Stores from Maine Sales Tax.

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

R. S., c. 14-A, § 10, sub-§ III-A, additional. Section 10 of chapter 14-A of the revised statutes, as enacted by section 1 of chapter 250 of the public laws of 1951, is hereby amended by adding thereto a new subsection to be numbered III-A, to read as follows:

'III-A. Ships' stores. Sale of cabin, deck and engine supplies to ships engaged in transporting cargo or passengers for hire in interstate or foreign commerce, not to include fuel and bunkering oil.'

Effective August 8, 1953

Chapter 376

AN ACT Relating to the Salary of the Reporter of Decisions.

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

Sec. 1. R. S., c. 92, § 1, amended. Section 1 of chapter 92 of the revised statutes is hereby amended to read as follows:

'Sec. 1. Reporter; appointment and tenure of office; salary. The governor with the advice and consent of the council shall, in case of a vacancy, appoint a person learned in the law, to be reporter of the decisions of the law court, who shall hold his office during the pleasure of the executive. He shall receive an annual salary of ~~\$2,000~~ \$2,500.'

Sec. 2. Appropriation. There is hereby appropriated from the general fund the sum of \$500 for the fiscal year ending June 30, 1954 and \$500 for the fiscal year ending June 30, 1955 to carry out the purposes of this act.

Effective August 8, 1953

Chapter 377

AN ACT Relating to Facilities Furnished by Public Utilities.

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

Sec. 1. R. S., c. 40, § 16, amended. Section 16 of chapter 40 of the revised statutes is hereby amended to read as follows:

'Sec. 16. Public utility to furnish safe and reasonable facilities; charges reasonable and just. Every public utility is required to furnish safe, reasonable and adequate facilities. The rate, toll or charge, or any joint rate made, exacted, demanded or collected by any public utility for the conveyance or transportation of persons or property between points within this state, or for any heat, light, water or power produced, transmitted, delivered or furnished, or for any telephone or telegraph message conveyed, or for any service rendered or to be rendered in connection with any public utility, shall be reasonable just and just reasonable taking into due consideration the fair value of all its property with a fair return thereon, its rights and plant as a going concern, business risk, and depreciation. Every unjust or unreasonable charge for such service is prohibited and declared unlawful.'

Sec. 2. R. S., c. 40, § 17, repealed and replaced. Section 17 of chapter 40 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 17. Valuation of property made for fixing rates. In determining reasonable and just rates, tolls and charges, the commission shall fix a reasonable value upon all the property of any public utility used or required to be used in its service to the public within the state and a fair return thereon. In fixing such reasonable value, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use, prudent acquisition cost to the utility, current value thereof, less depreciation on each, and any other factors or evidence material and relevant thereto. In making such valuation the commission may avail itself of any reports, records or other information available to it in the office of any state officer or board.'

Sec. 3. R. S., c. 40, § 67-A, additional. Chapter 40 of the revised statutes, as amended, is hereby further amended by adding thereto a new section to be numbered 67-A, to read as follows:

'Sec. 67-A. Additional court review. Notwithstanding the provisions of sections 66 and 67, in all cases in which the justness or reasonableness of a rate, toll or charge by any public utility, or the constitutionality of any ruling or order of the commission, is in issue, the supreme judicial court sitting as a law court shall also have jurisdiction upon a petition in equity to review, modify, amend or annul any ruling or order of the commission, but only to the extent of the unlawfulness of such ruling or order. If in such petition it is alleged that confiscation of property or other violation of constitutional right results from such ruling or order, the law court shall exercise its own independent judgment as to both law and facts. The

procedure before said court shall be that prescribed by it in the particular proceeding or by its rules, if any, applicable thereto and pending final determination by the court, the chief justice thereof, or in his absence any other justice, may enjoin or stay the effect of such ruling or order upon such terms and conditions as he may deem proper. Such petition shall be filed with the clerk of the law court in the county of Kennebec and a copy thereof with the clerk of the commission both within 30 days after the date of the said ruling or order or within such further time as the court may allow together with a certificate that the attorney for the petitioner is of opinion that there is such probable ground for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for delay; and double costs shall be assessed by the court upon any such party whose petition shall appear to the court not to be a fit subject for judicial inquiry or shall appear to be intended for delay.'

Effective August 8, 1953

Chapter 378

AN ACT Creating a Division of Indian Affairs.

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

Sec. 1. R. S., c. 22, § 308, amended. Section 308 of chapter 22 of the revised statutes is hereby amended by adding at the end thereof 2 new sentences to read as follows:

'The commissioner is authorized to create within the department a division of Indian affairs and to appoint, subject to the personnel laws, a director thereof. All duties and powers hereinafter given the commissioner relating to Indians may be delegated to the director.'

Sec. 2. R. S., c. 22, §§ 309, 310, repealed. Sections 309 and 310 of chapter 22 of the revised statutes are hereby repealed.

Sec. 3. Amendatory clause. Wherever the words "agent", "Indian agent" or any of several similar phrases appear in the statutes pertaining to Indians they shall be stricken out and the word 'commissioner' shall be substituted.

Effective August 8, 1953