

MAINE STATE LEGISLATURE

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CHAPTER 5**REGULATION AND CONTROL OF PUBLIC UTILITIES**

Sec.

- 101. Special privileges forbidden.
- 102. Unjust discrimination.
- 103. Rebates.
- 104. Contracts and loans with stockholders.

§ 101. Special privileges forbidden

It shall be unlawful for any public utility to demand, charge, collect or receive from any person, firm or corporation less compensation for any service rendered or to be rendered by such public utility in consideration of the furnishing by such person, firm, or corporation of any part of the facilities incident thereto. Nothing herein shall be construed as prohibiting any public utility from renting any facilities incident to the production, transmission, delivery or furnishing of heat, light, water or power, or the conveyance of telephone or telegraph messages and paying a reasonable rental therefor, or as requiring any public utility to furnish any part of such appliances which are situated in or upon the premises of any customer or user, except telephone station equipments upon the subscribers' premises, and unless otherwise ordered by the commission, meters and appliances for the measurement of any product or service. Nothing herein shall affect scheduled classifications of telephone service wherein separate charges are made for facilities and for service or scheduled classifications of rural telephone service wherein a portion of the facilities are regularly furnished by the user of the service.

R.S.1954, c. 44, § 38.

§ 102. Unjust discrimination

If any public utility makes or gives any undue or unreasonable preference or advantage to any particular person, firm or corporation or any undue or unreasonable prejudice or disadvantage in any respect whatever, such public utility shall be

deemed guilty of unjust discrimination which is prohibited and declared unlawful.

R.S.1954, c. 44, § 39.

§ 103. Rebates

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 or whereby any service or advantage is received other than is specified. Chapters 1 to 17 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, call men of fire departments wearing badges, while going to or returning from fires, chiefs, captains, sergeants, lieutenants and inspectors of police departments, in plain clothes and wearing badges, editors and regular reporters of newspapers; nor shall it be construed to prohibit any public utility from granting service at free or reduced rates for charitable or benevolent purposes, or for national or civilian defense purposes, nor to prohibit any public utility from supplying water and service free or at reduced or special rates to any person, firm or corporation for fire protection purposes through or by means of any apparatus or appliances furnished, installed or maintained by such person, firm or corporation, 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 case 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 1, 1913 be construed as constituting a discrimination or undue or unreasonable preference or advantage within the meaning specified. 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. 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 any of the provisions of this section shall be punished by a fine of not more than \$1,000 for each offense.

R.S.1954, c. 44, § 40.

§ 104. Contracts and loans with stockholders

No public utility doing business in this State shall extend credit or make loans to or make any contract or arrangement, providing for the furnishing of management, supervision of construction, engineering, accounting, legal, financial or similar services, or for the furnishing of any service other than those enumerated, with any corporation, person, partnership or trust, holding, controlling or owning in excess of 25% of the voting capital stock of such public utility, or with any other corporation which is itself owned or controlled by or affiliated with any corporation, person, partnership or trust, holding, controlling or owning a majority of the voting capital stock of such public utility, unless and until such contract or arrangement shall have been found by the commission not to be adverse to the public interest and shall have received their written approval. The commission shall in the case of any utility have the power to exempt herefrom, from time to time, such classes of transactions as it may specify in writing in advance and which in its judgment will not affect the public interest.

R.S.1954, c. 44, § 41.