

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 6
Titles 33 to 39



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
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CHAPTER 17
LIABILITY AND PENALTIES

Sec.

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§ 351. Utility liable for civil damages

If any public utility shall do or cause to be done or permit to be done any matter, act or thing in chapters 1 to 17 prohibited or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by it, such public utility shall be liable in damages to the person, association or corporation injured thereby. Any recovery as in this section provided shall in no manner affect a recovery by the State of the penalty prescribed for such violation.

R.S.1954, c. 44, § 78.

§ 352. Contempt

Every public utility, corporation or person failing to observe, obey or comply with any order, decision, rule, regulation, direction, demand or requirement, or any part or portion thereof, of the commission or of any commissioner shall be in contempt of the commission and shall be punished by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this section shall not be a bar to or affect any other remedy prescribed in chapters 1 to 17, but shall be cumulative and in addition to such other remedy or remedies.

R.S.1954, c. 44, § 79.

§ 353. Refusal to obey or comply

Any officer, agent or employee of any public utility who shall willfully fail or refuse to fill out and return any blanks required by chapters 1 to 17, or shall willfully fail or refuse to answer any

question therein propounded, or shall knowingly or willfully give a false answer to any such question, or shall willfully evade the answer to any question where the fact inquired of is within his knowledge, or who shall, upon proper demand, willfully fail or refuse to exhibit to the commission or to any commissioner or to any person authorized to examine the same, any book, paper, account, record or memorandum of such public utility which is in his possession or under his control, or who shall willfully fail properly to use and keep his system of accounting or any part thereof as prescribed by the commission or who shall willfully refuse to do any act or thing in connection with such system of accounting when and as directed by the commission, shall upon conviction thereof be punished by a fine of not more than \$1,000 for each offense. A penalty of not more than \$1,000 shall be recovered from the public utility for each such offense when such officer, agent or employee acted in obedience to the direction, instruction or request of such public utility or any owner or general officer thereof.

R.S.1954, c. 44, § 80.

§ 354. Each day, distinct offense

Every day, during which any public utility or any officer, agent or employee thereof shall willfully fail to observe or comply with any order of the commission or to perform any order of the commission or to perform any duty enjoined by chapters 1 to 17, shall constitute a separate and distinct offense.

R.S.1954, c. 44, § 81.

§ 355. Illegal issue of stocks, bonds or notes; misappropriation of proceeds

Any director or officer of any public utility who shall directly or indirectly issue or cause to be issued any stocks, bonds, notes or other evidences of indebtedness contrary to chapters 1 to 17, or who shall apply the proceeds from the sale thereof to any other purpose than that specified in the order of the commission shall, upon conviction thereof, be punished by imprisonment for not less than one year nor more than 10 years.

R.S.1954, c. 44, § 82.

§ 356. False statements as to issue of stocks, bonds or notes

Any officer, owner or agent of any public utility who shall knowingly or willfully make any false statement to secure the

issue of any stock, bond or other evidence of indebtedness, or who shall, by false statement knowingly or willfully made, procure of the commission the making of the order or issue with knowledge of such fraud, negotiate or cause to be negotiated any such stock, bond, note or other evidence of indebtedness in violation of chapters 1 to 17 shall, upon conviction thereof, be punished by a fine of not less than \$500 or by imprisonment for not less than one year nor more than 10 years, or by both.

R.S.1954, c. 44, § 83.

§ 357. Punishment where no penalty

If any public utility shall willfully violate any provision of chapters 1 to 17 or shall do any act herein prohibited or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided or shall fail or refuse to obey any lawful requirement or order made by the commission, for any such violation, failure or refusal such public utility shall forfeit and pay into the State Treasury not more than \$1,000 for each offense, to be recovered in a civil action in the name of the State. In construing and enforcing this section, the act, omission or failure of any officer, agent or other person acting for or employed by any public utility acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility.

R.S.1954, c. 44, § 84; 1961, c. 317, § 95.