

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 521

House of Representatives, March 5, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Railroads and Expenses.

Committee on Reference.

Presented by Mr. Benn of Hodgdon.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to Regulate the Time for Moving Freight on Railroads.

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

Section 1. When a shipper makes a verbal or written application to a railroad company through the agent in charge at point of shipment for a car or cars, to be loaded with any kind of freight embraced in the tariffs of said company, stating in said application the station or siding at which car or cars are to be placed, the character of the freight and its final destination, the railroad company shall furnish same within four days from seven o'clock in the forenoon of the day following such application.

Or when the shipper making such application specifies a
11 future day on which he desires to make a shipment giving
12 not less than four days notice thereof computing from seven
13 o'clock in the forenoon of the day following such applica-
14 tion, the railroad company shall furnish such car or cars on
15 the day specified in the application.

Sect. 2. Railroad agents shall keep and preserve a daily
2 record of such application for cars, showing them in con-
3 secutive order and the dates on which received; which rec-
4 ord shall always be open to public inspection during busi-
5 ness hours.

For failure to comply with this and the preceding section,
7 the company so offending shall forfeit and pay either to the
8 shipper, or his assignee in writing having a substantial in-
9 terest, the sum of one dollar per car per day or fraction of
10 a day, for delay after expiration of free time, upon demand
11 in writing made within thirty days from the time the car is
12 furnished, provided it be furnished within thirty days from
13 the expiration of free time. If not so furnished within thirty
14 days from the expiration of the free time, the claimant may
15 file such demand in writing within sixty days from the ex-
16 piration of free time, and having so done, shall be entitled
17 to recover of the carrier one dollar per car for each and
18 every day such default may continue counting from the ex-
19 piration of the free time.

Sect. 3. When freight in proper condition, either in car-
2 loads or less, is tendered to a railroad company for a point

3 on its own road, or for a point beyond its road to which it
4 forms a part of a through route, and correct shipping in-
5 structions given, the railroad agent must immediately re-
6 ceive the same for shipment and issue bills of lading there-
7 for. When so received, shipments must be carried forward
8 over each road which handles them at the rate of not less
9 than twenty miles per day of twenty-four hours, computing
10 from seven o'clock in the forenoon of the day following
11 the receipt of shipment at point of origin; but, where the
12 length of haul over any railroad is less than twenty miles,
13 the allowance of time for movement over such railroad shall
14 not be less than twenty-four hours. For failure to receive
15 and transport such shipments, within the time prescribed,
16 the railroad company or companies so offending shall for-
17 feit and pay to the consignee, or his assignee in writing hav-
18 ing a substantial interest, for time during which delay
19 continues, the sum of one dollar per car per day, or fraction
20 thereof, on all carload freight, and one cent per hundred
21 pounds per day, or fraction thereof, on freight in less than
22 carloads, with a minimum charge of five cents for any one
23 package, upon demand in writing by such claimant. In
24 computing the time of freight in transit, there shall be al-
25 lowed twenty-four hours at each junction point where trans-
26 fer from one railroad to another is involved (said time to
27 be equally divided between the roads affected); and twen-
28 ty-four hours for the rehandling of freight at any other
29 point from one car to another, when necessary.

The period during which the movement of freight is suspended on account of accident, or for necessary repairs at junction points where transfer from one railroad to another is involved or any cause not within the power of the railroad company to prevent, shall be added to the free time allowed in this section, and counted as additional free time.

Sect. 4. Claims for delays in shipments moving over more than one line shall first be filed with the terminal line, and, if that line denies responsibility for the delay or any part thereof, it shall report promptly to the claimant all the particulars of the movement over its own line; and, if it appears from such report that the delay or part thereof occurred on some other line or lines, the claimant may file separate claim or claims against such other line or lines apparently responsible for the delay, and may recover from the line or lines found to be responsible, the amount or amounts due under this act.

Sect. 5. (a) Railroad companies shall deliver freight at their depots or warehouses, or, in case of shipment for track delivery on their own lines or private sidings used in connection therewith, shall place loaded cars at an accessible place for unloading within twenty-four hours after the arrival, computing from seven o'clock in the forenoon of the day following arrival of same, unless withheld for any reason which the consignee may be responsible. Except that carload shipments for track delivery at local stations having not more than one team track, shall be placed at any acces-

11 sible point for unloading by the conductor of the train on
12 which the car arrives. The consignee, or his assignee in
13 writing having a substantial interest, shall be paid one dol-
14 lar per car per day, for each day, or fraction of a day, such
15 delivery is so delayed.

(b) Carload freight, or freight taking track delivery,
17 if delivered within yard limits of a carrier other than that
18 over whose road such freight arrives, shall be switched to
19 the road of such other carrier within twenty-four hours
20 from the time so ordered after arrival at destination (settle-
21 ment of charges and, when necessary, surrender of bill of
22 lading having been accomplished); and such other carrier
23 shall place such freight for unloading within twenty-four
24 hours after receiving it. If switching by more than two
25 carriers is involved, twenty-four hours shall be allowed for
26 each carrier participating. When such a car is refused by
27 a carrier by which it is to be switched because out of order
28 by reason of defective air-brakes, or absence of air-brakes,
29 then the carrier having possession thereof shall forthwith
30 make the necessary repairs or transfer the lading to a
31 proper car; and the time thus properly consumed, not ex-
32 ceeding forty-eight hours, may be added to the time allowed
33 for the movement. For failure to comply with the terms of
34 this section the offending carrier or carriers shall pay, either
35 to the consignee, or his assignee in writing, having a sub-
36 stantial interest, the sum of one dollar per car per day, or
37 fraction of a day, for such delay.

Sect. 6. The preceeding sections shall not apply in any
2 case to delays arising from causes not within the power of
3 the carrier to prevent, but delays arising from such causes
4 shall be added to and counted as additional free time. No
5 failure of the carrier to provide the rolling stock reasonably
6 necessary for the discharge of its public duties shall be con-
7 strued to be cause of delay not within the power of the car-
8 rier to prevent.

Sect. 7. Railroad companies shall, within twenty-four
2 hours after arrival of shipments, give notice by mail or
3 otherwise, to consignee of the arrival of shipments, togeth-
4 er with the weight and amount of freight charges due there-
5 on, and where goods or freight in carload quantities arrive,
6 such notice shall contain also identifying numbers, letters
7 and initials of the car or cars, and if transferred in transit,
8 the number and initials of the car or cars in which originally
9 shipped. Any railroad company failing to give such notice
10 shall forfeit and pay either to the consignee or his assignee
11 in writing having a substantial interest the sum of one dol-
12 lar per car per day, or fraction of a day's delay on all car-
13 load shipments, and one cent per hundred pounds per day,
14 or fraction thereof, on freight in less than carloads, with
15 minimum charge of five cents for any one package, after
16 the expiration of the said twenty-four hours; provided, that
17 not more than one one dollar per day be charged for any one
18 consignment not in excess of a carload.

Sect. 8. All forfeitures and penalties provided for by
2 this act may be recovered by an action of debt in any of the
3 courts of this state having jurisdiction in similar actions.

Sect. 9. This act shall not apply to shipment of live
2 stock. In all computation of time under this act Sundays
3 and legal holidays are to be excluded.