

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

Sec. 61. Notice of public hearing.

Whenever any public utility, except a common carrier or carrier of persons or property for hire, has been notified by the commission that a public hearing will be held as provided in section 35 or section 57 and it appears to the commission that reasonable publicity has not or will not be given, by newspaper publication or otherwise, of the time and place of said hearing and the general nature thereof, the commission, in its discretion, may, by written notice to such public utility, require it to give such reasonable notice as the commission shall specify of the time and place of such public hearing to each of the subscribers affected or to be affected by such rates or service and to file at the same time in the office of the clerk of the municipalities wherein such subscribers reside such pertinent information as the commission may prescribe as to rates and services involved, including schedules of any proposed rates. Such notice by said public utility shall be given by first class mail and shall include a statement that such pertinent information as to such rates or service is on file in the office of the clerk of the municipality wherein such subscriber resides. Nothing in this section shall relieve such utility from the provisions of section 31. (R. S. c. 40, § 60. 1955, c. 202.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the rest of the section was not changed, it is not set out.

Sec. 66. Record of proceedings.—A full and complete record shall be kept of all proceedings had before the commission and of any investigation or formal public hearing and all testimony shall be taken by a hearings reporter to be appointed by the commission subject to the provisions of the personnel law. (R. S. c. 40, § 65. 1955, c. 50.)

Effect of amendment.—The 1955 amendment substituted the words "hearings reporter" for the word "stenographer."

Sec. 71. Burden of proof.

Applied in *Central Maine Power Co. v. Public Utilities Comm.*, 150 Me. 257, 109 A. (2d) 512.

Chapter 45.**Steam Railroads—Organization and Construction.**

Section 80. Minimum Distance for Clearance.

Minimum Distance for Clearance.

Sec. 80. Minimum distance for clearance.—The public utilities commission shall have the right to prescribe a minimum distance for clearance of any structure, pole or other object over or beside any railroad track; provided, however, that the provisions of this section shall not apply to any structure, pole or other object in existence over or beside any railroad track on or before September 1, 1955. (1955, c. 259.)

Chapter 46.**Steam Railroads—Management and Operation.****Safety Provisions.**

Sec. 77. Repealed by Public Laws 1955, c. 52.

Sec. 90. Crossing designated.—The public utilities commission shall

designate by general orders, which may be issued without formal notice or hearing, the grade crossings in this state at which, from all points on the highway or other way within 300 feet of such crossings and on either side thereof measured along said highway or way, a traveler on the way carrying such crossing can have a fair view of an approaching train, engine or car continuously from the time such train, engine or car is 300 feet from such crossing until it has passed over the same, either under existing conditions or by bushes, trees, fences, signboards or encroachments being trimmed, cut down or removed, as hereinafter provided. (R. S. c. 42, § 89. 1955, c. 36, § 1.)

Effect of amendment.—The 1955 amendment substituted “300” for “150” in line four.

Sec. 91. Obstructions removed; notice to interested parties.—At every crossing of a highway or other way and a steam railroad at grade and at every crossing of a highway or other way and an electric railroad at grade, the municipal officers of the town or county commissioners in the case of unorganized places in which the crossing is located are given authority and are required, when by order directed to do so by the public utilities commission, after 10 days’ notice to all persons interested, to remove embankments and other obstructions within highway limits and to enter upon private property and properly trim, cut down or remove, and from time to time as may be necessary to keep trimmed, cut down and removed, bushes, trees, fences, signboards and encroachments which obstruct the view of an engine, train or car by a traveler at or near any such crossing. The authority of the commission in any order and of the municipal officers or county commissioners acting thereunder shall not extend beyond a point 300 feet on either side of any such crossing measured along the highway or other way or beyond a point 300 feet on either side of any such crossing measured along the railroad right-of-way, the purpose herein being to enable a traveler on any such way, when such traveler is 300 feet or less distant from any such crossing, to have a fair view of an approaching train, engine or car from one or more angles continuously from the time such train, engine or car is 300 feet from such crossing until it has passed over the same. (R. S. c. 42, § 90. 1955, c. 36, § 2.)

Effect of amendment.—The 1955 amendment substituted “300” for “150” in two places in the second sentence.

Chapter 48.

Operation of Motor Vehicles for Profit

Motor Vehicles Carrying Passengers or Freight for Hire or Leased for Hire.

Sec. 5. Such motor vehicles not operated without certificate.—No person, firm or corporation shall operate a motor vehicle or vehicles as described in section 1 on any street or highway in any city or town of this state, without obtaining from the commission a certificate permitting such operation. Nor shall the commission issue an original certificate or amend a certificate unless it finds after public hearing that public convenience and necessity require such operation, provided however, that the commission may, in its discretion and for good and sufficient reason issue a temporary certificate authorizing such operation and hold the prescribed hearing at a later date and then determine whether a certificate shall be finally issued; but no temporary certificate shall be issued for a period longer than 30 days; no temporary certificate shall be extended or renewed, and