

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

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

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

Sec. 67. Questions of law raised on exceptions to rulings; decision certified to clerk of commission.

And specifically shown wherein exceptant is aggrieved.

In accord with 3rd paragraph in original. See Application of Ballard, 152 Me. 158, 125 A. (2d) 861.

Judgment of commission as to public policy, etc.

In accord with original. See Application of Ballard, 152 Me. 158, 125 A. (2d) 861.

Decisions of commission on questions of fact will not be disturbed.

In accord with 1st paragraph in original. See In re Chapman, 151 Me. 68, 116 A. (2d) 130; Application of Ballard, 152 Me. 158, 125 A. (2d) 861.

In accord with 2nd paragraph in original. See In re Central Maine Power Co., 152 Me. 32, 122 A. (2d) 541.

But they must be supported by substantial evidence.

In accord with original. See In re Chapman, 151 Me. 68, 116 A. (2d) 130.

When the commission decides a case before it without evidence, or on inadmis-

sible evidence, or improperly interprets the evidence before it, then the question becomes one of law. In re Chapman, 151 Me. 68, 116 A. (2d) 130.

And the record of testimony must contain such evidence.

Whether, on the record, any factual finding, underlying order and requirement, is warranted by law, is a question of law, reviewable on exceptions. Hamilton v. Caribou, etc., Co., 121 Me. 422, 117 A. 582; Application of Ballard, 152 Me. 158, 125 A. (2d) 861.

Commission has duty to set forth facts on which its order is based.—It is clearly the duty of the commission under this section at least, if requested by any of the interested parties, to set forth in its orders and decrees the facts on which its order is based, otherwise the remedy provided by the statute for any erroneous rulings of law may be rendered futile. In re Central Maine Power Co., 152 Me. 32, 122 A. (2d) 541.

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.

Sections 60 to 98-A. Safety Provisions.

Safety Provisions.

Sec. 75-A. Walks and handrails on railroad bridges.—The public utilities commission shall have the right, upon complaint and after hearing, to

require any common carrier by railroad to equip their bridges and trestles with suitable walks and handrails if after such hearing the public utilities commission finds that such walks and handrails are necessary for the safety of the public or railroad employees. (1957, c. 194.)

Sec. 76. Method of heating cars approved; penalty.—No passenger, mail or baggage car on any railroad in the state shall be heated by any method of heating or by any furnace or heater, unless such method or the use of such furnace or heater shall first have been approved in writing by the public utilities commission. In no event shall a common stove be allowed in any such car. Any railroad corporation may, with the permission of said commission, make such experiment in heating their passenger cars as said commission may deem proper.

Any railroad corporation violating any provision of this section forfeits not more than \$500. (R. S. c. 42, § 76. 1957, c. 397, § 31.)

Effect of amendment.—The 1957 into separate sentences and added the last amendment made two former provisos paragraph.

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

Sec. 78. Repealed by Public Laws 1957, c. 397, § 32.

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. Municipal officers, county commissioners or state highway commission, on order of commission, to remove obstructions; 10 days' notice to be given to interested parties.—At every crossing of a highway or other way excepting state and state aid highways and a steam railroad at grade and at every crossing of a highway or other way excepting state and state aid highways, 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 and at every crossing on state highways and state aid highways to remove fences and encroachments which obstruct the view of an engine, train, or car by a traveler at or near any such crossing, and on such crossings on state and state aid highways, when by order of the public utilities commission, directed to do so, the state highway commission shall remove and properly trim, cut down or remove bushes, trees, and signboards which obstruct the view of an engine, train or car by a traveler at or near such crossing, and shall from time to time as may be necessary keep obstructions removed therefrom. The authority of the commission in any order and of the municipal officers, county commissioners, or the state highway com-

mission acting thereunder shall not extend beyond the land bounded by a line from a point 300 feet on either side of any such crossing measured along the highway or other way and a point 300 feet on either side of any such crossing measured along the railroad right-of-way, the purpose 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. 1957, c. 6, § 1.)

Effect of amendments. — The 1955 amendment substituted "300" for "150" in two places in the second sentence. The 1957 amendment rewrote this section.

Sec. 92. Expense of removal paid by municipality; partial reimbursement by state.—Within such time as said commission by order directs, such municipal officers shall cause such bushes, trees, fences, signboards or encroachments to be trimmed, cut down or removed and from time to time as may be ordered by said commission to keep the same trimmed, cut down or removed, and the expense thereof shall in the first instance be paid by the city, town or plantation wherein the labor is performed, but upon the filing with the public utilities commission of proper proof of such payment, $\frac{1}{2}$ of any such amount shall be repaid by the state to such city, town or plantation, the same to be paid out of the appropriation for the operation of the public utilities commission. Any expense incurred by the state highway commission to properly trim, cut down or remove and from time to time as may be necessary to keep trimmed, cut down and removed, bushes, trees and signboards, shall be borne by said state highway commission. (R. S. c. 42, § 91. 1957, c. 6, § 2.)

Effect of amendment. — The 1957 amendment added the last sentence to this section.

Sec. 98-A. Operation of Diesel or Diesel-electric locomotives in reverse or backing up position prohibited.—No railroad corporation operating Diesel or Diesel-electric locomotives in the state shall be permitted to operate such locomotives in reverse or backing up position on any passenger or freight train on any main line or branch line, except that such locomotives may be operated in reverse in emergencies or while doing switching operations, and excepting where no facilities are available for turning such locomotives at the point of departure. Any railroad corporation violating the provisions of this section shall be punished by a fine of \$100 for each violation. (1957, c. 324.)

Chapter 47.

Street Railroads.

Secs. 1-39. Repealed by Public Laws 1957, c. 85, § 3.

Chapter 48.

Operation of Motor Vehicles for Profit

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

Sec. 3. Rules and regulations governing use of motor vehicles.—The commission is authorized to make from time to time rules and regulations