

# MAINE STATE LEGISLATURE

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November 7, 1934

To Capt. J. F. Young, Jr., Deputy Chief, State Highway Police  
Re: "Flagman"

. . . . You request a ruling on the interpretation of the word "flagman" as used in Section 89 of Chapter 29 of the Revised Statutes. The question has arisen and been satisfactorily answered in the case of Bergfeld v. Kansas City Railways Company, reported in 285 Missouri Reports, Page 654. I quote from the opinion in that case:

"In common parlance the word 'flag' when used as denoting a signal does not necessarily mean the actual use of a flag, but by figure of speech the word is used in the secondary sense -- and signifies a signal given as with a flag, that is to say, as by a waving of the hand for the purpose of communicating information."

Accordingly, from the above interpretation, it clearly appears that a flagman, according to the intention of said Section 89, means merely a person guarding the railroad track, or tracks, and whose duty it is to protect pedestrians and vehicles when trains are approaching and passing. Obviously, many times it would be unnecessary for the flagman to actually wave his hand, but his presence at the crossing would be sufficient to deter vehicles from attempting to cross. . . .

Clyde R. Chapman  
Attorney General

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