

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1892.

Sixty-Fifth Legislature.

SENATE.

No. 222.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-ONE.

AN ACT to amend section 126 of chapter 51 of the
Revised Statutes, as amended by chapter 321 of
Public Laws of 1885, relating to Accidents on Rail-
roads.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows :*

SECTION 1. Section one hundred twenty-six of
2 chapter fifty-one of the Revised Statutes, and chap-
3 ter three hundred twenty-one of the laws of eighteen
4 hundred eighty-five, amending the same, are hereby
5 repealed.

SECT. 2. Whenever a serious accident occurs
2 within the state to any passenger or freight train on

3 any railroad, whether any person be fatally injured
4 or otherwise, notice thereof shall be given immedi-
5 ately by telegraph, if practicable, otherwise in writ-
6 ing, by the officers of the company operating the
7 railroad on which the accident occurred, to the rail-
8 road commissioners.

SECT. 3. In the event of any such accident, the
2 railroad commissioners, or the chairman thereof,
3 shall, if they or he deem the public interests require
4 it, cause an investigation to be made forthwith by
5 the board, which investigation shall be held in the
6 locality of the accident, unless, for reasons touch-
7 ing the convenience of all concerned the commis-
8 sioners shall order it to be commenced at some
9 other place, but, in either case, the investigation
10 may be adjourned to some other suitable and con-
11 venient place.

The board, or the chairman thereof, shall season-
13 ably notify the officers of the company, and, also,
14 if the accident shall have resulted fatally to one or
15 more persons, the county attorney of the county
16 where the accident occurred, of the time and place
17 of the investigation.

The board shall have power to issue subpoenas
19 for witnesses, and the testimony of each witness
20 shall be taken before a sworn stenographer and

21 written out in full and signed by the witness either
22 at the time of the investigation or as soon there-
23 after as practicable. Prefixed to his signature
24 shall be a statement that the deposition has been
25 carefully read by the witness, or carefully read to
26 him, before signing.

Immediately after the investigation the board
28 shall make a special report, stating what it finds to
29 be the cause of the accident, transmit copies
30 thereof to such county attorney, and the railroad
31 corporation concerned, and publish the same in its
32 annual report.

The taxable costs of the investigation shall be
34 made up and certified to the governor and council
35 by the board, and the same shall be paid by the
36 state.

Witnesses in all such cases shall be allowed the
38 same fees as in the supreme judicial court.

SECT. 4. Whenever, in consequence of any such
2 accident having resulted fatally to one or more per-
3 sons, notice shall have been given by the board, or
4 the chairman thereof, to the county attorney, of its
5 intention to investigate as herein provided, the
6 authority of all coroners over the case shall cease;
7 and thereafter no coroner, nor any jury summoned
8 by him, shall proceed further with reference thereto.

SECT. 5. Any corporation, or person interested
2 in the subject matter of the investigation, may be
3 present and heard at the same, either in person or
4 by counsel, and with witnesses and other proofs;
5 and shall be entitled to the aid of the board in
6 securing the attendance of witnesses, the fees of
7 such witnesses, nevertheless, to be paid by the cor-
8 poration or person securing their attendance,
9 except so far as the board shall find that justice
10 requires that the same shall be paid by the state;
11 and such corporation or person shall be entitled to
12 a copy of the whole or any portion of the proceed-
13 ings or report of the board, and of the evidence
14 taken by it, on paying the reasonable cost of mak-
15 ing the same.

STATE OF MAINE.

IN SENATE, March 20, 1891.

Reported by Mr. MOORE, from Committee on Railroads, Telegraphs
and Expresses, and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*