

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 99

STATE OF MAINE.

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

AN ACT to encourage manufacturing industries and to regulate the charges for sidetrack facilities on railroads within the State.

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

Section 1. It shall be the duty of all railroads doing business in this State to furnish sidetrack facilities for any lawful manufacturing industry established, or to be established, within this State, at, or within one mile from, any existing railway station, and to charge therefor not more than hereinafter provided.

Sect. 2. Where such industry is or may be located on land contiguous to railroad land it shall be the duty of the railroad company owning or leasing and operating said railroad to build a track for the accommodation of said industry, upon application of the individual, firm or corporation owning said

6 industry. The railroad may require a deposit of money
7 equal to the estimated cost of the grading, the cost of the ties
8 and placing of the same and laying of rails, and one year's
9 interest on the value of the rails at 5%, the value of the rails
10 to be measured by the value of the old rails as junk. Pro-
11 vided, that where second-hand ties are used no charge shall
12 be made therefor, and new ties or new rails shall not be em-
13 ployed where second-hand material is available for the pur-
14 pose.

Sect. 3. When such track is completed the railroad shall
2 deduct the actual cost thereof from the deposit, together with
3 the interest upon the rails, as hereinbefore provided, and re-
4 turn the remainder if any to the parties entitled thereto, or if
5 the cost has exceeded the deposit, may collect the excess.

Sect. 4. The cost of maintenance of said track shall be
2 borne by the parties for whose convenience it has been built
3 except where the freight paid by said parties yearly shall ex-
4 ceed twelve per cent of the cost of the track, or where said
5 track is used by the railroad for itself or others, in which
6 case no charge for repairs shall be made against the indus-
7 try aforesaid.

Sect. 5. Where such industry is located on land not join-
2 ing the railroad, the parties applying for track shall furnish
3 right of way across any intervening land.

Sect. 6. Where such industry is located on land adjoining
2 railroad land upon which a track already exists, it shall be
3 the duty of the railroad to extend shipping facilities on said
4 track to such industry without charge for construction. It

5 may collect interest on the value of the rails as junk for the
6 period of one year, and annually thereafter, at the rate of
7 five per cent per annum, provided the freight payments of
8 said industry fall below twelve per cent per annum of the
9 value of said rails. Interest may be charged as herein pro-
10 vided for any year or years in which the volume of freight
11 shall fall below the minimum herein fixed.

Sect. 7. It shall be the duty of the railroad to keep such
2 track in repair, and the cost thereof may be collected from
3 the parties for whose convenience it is maintained, provided
4 the freight paid by said industry shall fall below the stand-
5 ard as provided in section six of this Act, and provided
6 further that the track shall be used for no other purpose than
7 the accommodation of said industry. Any use of said track
8 by the railroad, or for its purposes, independent of the use of
9 said industry, other than for temporary storage of cars when
10 not needed for its intended use, shall operate as a waiver of
11 any claim by the railroad to payment for repairs for the year
12 in which such use occurs.

Sect. 8. No charge in addition to the existing freight
2 schedules for the nearest station, shall be made for hauling
3 cars to and from said tracks where the distance shall be less
4 than one mile.

Sect. 9. Any railroad violating the provisions of this Act
2 shall be liable to the parties interested in an action for dam-
3 ages, and to the State to the extent of not more than one
4 thousand dollars fine for each offense.

Sect. 10. It shall be the duty of the Board of Railway
2 Commissioners to investigate the charges made by any rail-
3 road for side or spur track accommodations under the pro-
4 visions of this Act, whenever requested by parties for whom
5 said tracks may have been provided, and if found to be in ex-
6 cess of the amounts herein allowed, shall forthwith demand
7 return of said excess, where the same has been retained from
8 deposit previously made with the railroad, and if charges re-
9 main to be collected shall fix the amount to be paid by the
10 parties for whom said track has been provided, which find-
11 ing shall be binding upon both parties subject only to right
12 of appeal to the courts.

STATE OF MAINE.

IN SENATE,

February 2, 1909.

Came from the House referred to the Committee on Railroads
and Expresses and on motion by Mr. MILLIKEN of Aroos-
took tabled for printing pending reference in concurrence.

F. G. FARRINGTON, *Secretary*.