

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 221

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*In Senate, Feb. 22, 1917.*

*Referred to Committee on Public Utilities and one thousand copies ordered printed. Sent down for concurrence.*

*W. E. LAWRY, Secretary.*

*Presented by Mr. Holt of Cumberland.*

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STATE OF MAINE

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

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AN ACT to provide for the removal of obstructions at and  
near grade crossings.

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Whereas, the preservation of the public safety at grade crossings constitutes an emergency and makes the following act an emergency measure immediately necessary for the preservation of the public peace, health or safety, now, therefore,

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

Section 1. At each place within this state where a highway or other way crosses a steam railroad or an electric railroad at grade the municipal officers of each city and

4 the selectmen of each town are required and are hereby  
5 given authority, when by order directed so to do by the  
6 Public Utilities Commission, to enter upon private prop-  
7 erty and properly trim, cut down or remove bushes, trees,  
8 and other encroachments which obstruct the view of a  
9 train or car by a traveller at or near any such crossing.  
10 The authority of said commission in any order and of the  
11 municipal officers and selectmen acting thereunder, shall not  
12 extend beyond a point one hundred and fifty (150) feet on  
13 either side of any such crossing measured along the high-  
14 way or other way, or beyond a point three hundred (300)  
15 feet on either side of any such crossing measured along the  
16 railroad right of way, the purpose herein being to enable  
17 a traveller on any such way to see an approaching train or  
18 car three hundred (300) feet at all times when such travel-  
19 ler is one hundred and fifty (150) feet or less distant from  
20 any such crossing.

Sect. 2. Within such time as said commission by order  
2 directs, such municipal officers or selectmen shall cause such  
3 bushes, trees or encroachments to be trimmed, cut down or  
4 removed and the expense thereof shall in the first instance  
5 be paid by the city or town wherein the labor is performed  
6 but upon the filing with the governor and council of proper  
7 proof of such payment, one-half of any such amount shall  
8 be repaid by the state to such city or town, the same to be  
9 paid out of any funds not otherwise appropriated.

Sect. 3. If any person claims damages on account of any

2 act done under the preceding sections, he may within two  
3 years of the doing of any such act, petition the Public Utili-  
4 ties Commission to assess his damages and the said com-  
5 mission, after reasonable notice to the petitioner and to the  
6 interested city or town, and after hearing, shall award such  
7 sum as seems proper as damages to be paid by the city or  
8 town wherein the property is located. Upon proper proof  
9 of any such payment, the governor and council shall cause  
10 one-half thereof to be paid by the state to such city or town.

Sect. 4. Nothing herein contained shall authorize the re-  
2 moval of any building without the consent of the owner  
3 thereof.

Sect. 5. So much of chapter 189 of the Public Laws of  
2 the State of Maine for the year 1913 as authorizes the State  
3 Highway Department to enter upon private property at rail-  
4 road crossings for purposes named therein is hereby re-  
5 pealed.

Sect. 6. Obstruction or interference with the performance  
2 of any act authorized or required hereunder is hereby de-  
3 clared to be a misdemeanor, and any person convicted of  
4 the same shall be fined not more than \$20 or imprisoned  
5 not more than 30 days. Jurisdiction over each such offense  
6 is hereby conferred on each municipal court and trial justice  
7 in the state.

Sect. 7. In view of the emergency cited in the preamble,  
2 this act shall take effect when approved.