

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 222

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.

STATE OF MAINE

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

AN ACT to require automatic signals at certain grade crossing
not protected by gates or flagman.

Whereas, the installation and operation of "automatic signals" so-called, at certain grade crossing in this state are necessary for the preservation of the safety of the public, and

Whereas, such necessity 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. The Public Utilities Commission is hereby
2 given the authority to require each steam railroad company

3 operating within this state to install, operate and maintain an
4 automatic signal at any grade crossing within the state where
5 after reasonable notice and hearing said commission decides
6 that public safety requires such signals as a proper measure
7 of protection. The expense of installing, operating and
8 maintaining any such signal shall be borne by the corpora-
9 tion operating the railroad passing over the crossing to be
10 protected. Wherever the term "signal" or "automatic sig-
11 nal" is used in this Act the same shall be construed to mean
12 an appliance which gives warning of the approach of a train
13 and which is audible and visible by day and by night.

Sect. 2. Any grade crossing in this state where, on and
2 after July 1st, 1917, any object or objects on private prop-
3 erty so obstructs the view of a traveller on the way carrying
4 such crossing that a fair view of an approaching train which
5 is any part or the whole of three hundred (300) feet away
6 from such crossing cannot be had by such traveller at all
7 points within one hundred and fifty (150) feet of such
8 crossing in either direction, is hereby declared to be a cross-
9 ing requiring an automatic signal or the continuous main-
10 tenance of gates or a flagman; unless the Public Utilities
11 Commission, upon request and after hearing, authorizes a
12 different method of protecting any such crossing or a less
13 continuous maintenance of gates or a flagman, authority to
14 do which is hereby granted; and provided that industrial and
15 spur tracks shall be protected in the manner ordered by said
16 Public Utilities Commission. If at any such crossing the

17 railroad company passing over the same shall, under exist-
18 ing law or at its own expense, cause the obstructions to the
19 above fair view to be removed, such crossing shall not there-
20 after, so long as such fair view is maintained, be held to be
21 subject to the provisions of this section. It shall be the duty
22 of each railroad company in this state to install, operate and
23 maintain an automatic signal or continuously operate gates
24 or a flagman at each crossing mentioned in the first sentence
25 of this section over which each such railroad company
26 passes; unless a different method of protection is authorized
27 and ordered by the Public Utilities Commission. Each such
28 railroad company shall, during the year 1917, at not less than
29 25 per cent of the crossings mentioned in the first sentence of
30 this section, over which it passes, either install automatic
31 signals or continuously operate gates or maintain a flagman;
32 and during the year 1918, one-half of the balance, and dur-
33 ing the year 1919 the remainder of such crossings shall be
34 similarly protected.

Sect. 3. Any railroad company failing to comply with any
2 provision of the preceding section forfeits \$1,000.00 to the
3 use of the state to be recovered in an action on the case.
4 And in addition to the foregoing, the Supreme Judicial Court
5 is hereby given jurisdiction to enforce compliance with any
6 order under Section 1 hereof and to require compliance of
7 all the provisions of Section 2 hereof. It shall be the duty
8 of the Public Utilities Commission to see that the rights of
9 the public under this and the preceding section are fully
10 protected.

Sect. 4. The term “steam railroad company” or the term
2 “railroad company” as used herein shall be construed to
3 mean the same as the words “railroad” and “railroad com-
4 pany” are defined in section 9 of chapter 129 of the Public
5 Laws of the state of Maine for the year 1913.

Sect. 5. The provisions of this Act shall not apply to
2 railroads of less than standard gauge, nor to the Georges
3 Valley Railroad Company.

Sect. 6. For the purpose of creating and maintaining the
2 fair view mentioned in this Act, any steam railroad subject
3 to the provisions hereof may enter upon private property
4 and remove any embankment or other obstruction except a
5 dwelling house. The owner of any such property is entitled
6 to damages, and may have the same estimated and paid in
7 the same manner provided in chapter 56, Revised Statutes
8 of 1916, with the same right of appeal therein given.

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