

MAINE STATE LEGISLATURE

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NEW DRAFT AND CONSOLIDATION.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 349

In Senate, March 16, 1917.

*Reported by Mr. Butler from Committee on Public Utilities
and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to require automatic signals and the removal of ob-
structions at certain grade crossings not protected by gates
or flagmen.

WHEREAS, the installation and operation of "automatic
signals" so-called and the removal of obstructions at certain
grade crossings 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 giv-

2 en authority to require each steam railroad company op-
3 erating within this State to install, operate and maintain
4 an automatic signal at any highway crossing within this
5 State, where, after reasonable notice and hearing, said Com-
6 mission shall decide that public safety requires such signal
7 as a proper measure of protection. The expense of in-
8 stalling, operating and maintaining any such signal shall be
9 borne by the corporation operating the railroad passing over
10 the crossing to be protected. Wherever the term "signal"
11 or "automatic signal" is used in this Act, same shall be con-
12 strued to be an appliance which gives warning of the ap-
13 proach of a train and which is audible and visible by day
14 and by night.

Sect. 2. Immediately upon the passage of this act, the
2 Public Utilities Commission shall designate by general or-
3 ders, which may be issued without formal notice or hear-
4 ing, the grade crossings in this state at which, from all
5 points on the highway or other way within one hundred and
6 fifty (150) feet of such crossings and on either side there-
7 of measured along said highway or way a traveler on the
8 way carrying such crossing can have a fair view of an
9 approaching train, engine or car continuously from the
10 time such train, engine or car is three hundred (300) feet
11 from such crossing until it has passed over the same, either
12 under existing conditions or by bushes, trees, fences, sign-
13 boards or encroachments being trimmed, cut down or re-
14 moved as hereinafter provided.

Sect. 3. At every crossing designated under the provisions of the preceding section and at every crossing of a highway or other way and an electric railroad at grade the municipal officers of the town in which the crossing is located are given authority and are hereby required, when by order directed so to do by the Public Utilities Commission, after ten days notice to all persons interested, to remove embankments and other obstructions within highway limits and to enter upon private property and properly trim, cut down or remove bushes, trees, fences, signboards and encroachments which obstruct the view of an engine, train or car by a traveler at or near any such crossing. The authority of the commission in any order and of the municipal officers acting thereunder shall not extend beyond a point one hundred and fifty (150) feet on either side of any such crossing measured along the highway or other way or beyond a point three hundred (300) feet on either side of any such crossing measured along the railroad right of way, the purpose herein being to enable a traveler on any such way, when such traveler is one hundred and fifty (150) feet or less distant from any such crossing, to have a fair view of an approaching train, engine or car continuously from the time such train, engine or car is three hundred (300) feet from such crossing until it has passed over the same.

Sect. 4. Within such time as said commission by order directs, such municipal officers shall cause such bushes,

3 trees, fences, signboards or encroachments to be trimmed,
4 cut down or removed, and the expense thereof shall in the
5 first instance be paid by the city, town or plantation where-
6 in the labor is performed, but upon the filing with the gov-
7 ernor and council of proper proof of such payment, one-
8 half of any such amount shall be repaid by the state to such
9 city, town or plantation, the same to be paid out of any
10 funds not otherwise appropriated.

Sect. 5. If any person claims damages on account of any
2 act done under the two preceding sections, he may within
3 two years after the doing of any such act, petition the Pub-
4 lic Utilities Commission to assess his damages and the said
5 commission, after reasonable notice to the petitioner and
6 to the interested city, town or plantation, and after hear-
7 ing, shall award such sum as seems proper as damages to
8 be paid by the city, town or plantation wherein the property
9 is located. Upon proper proof of any such payment, the
10 governor and council shall cause one-half thereof to be paid
11 by the state to such city, town or plantation.

Sect. 6. Nothing in the four preceding sections contained
2 shall authorize the removal of any building without the con-
3 sent of the owner thereof.

Sect. 7. So much of Section 111 of Chapter 24 of the
2 Revised Statutes of 1916 as authorizes the State Highway
3 Department to enter upon private property at railroad cross-
4 ings for purposes named therein is hereby repealed.

Sect. 8. Obstruction or interference with the perform-

2 ance of any act authorized or required hereunder is hereby
3 declared to be a misdemeanor, and any person convicted
4 of the same shall be fined not more than twenty dollars
5 (\$20) or imprisoned not more than thirty (30) days. Jur-
6 isdiction over each such offense is hereby conferred on each
7 municipal court and trial justice in the State.

Sect. 9. Within sixty days after the passage of this Act
2 the Public Utilities Commission shall serve upon each steam
3 railroad company operating in this State a list of its grade
4 crossings at which in the opinion of the Commission auto-
5 matic signals should be installed, operated and maintained
6 or some other form of protection given to travelers on the
7 highway or other way, and shall order a date for public
8 hearing thereon, at which time the respective railroad com-
9 panies shall show cause why such protection as suggested
10 by said Commission should not be given. Within thirty
11 days after said hearing the Commission shall determine and,
12 by order served on the respective railroad companies, shall
13 state the character of protection, if any, to be installed at
14 each such crossing and shall set a date or dates on or be-
15 fore which each such crossing shall be protected in the
16 manner prescribed by said Commission; and in so far as
17 practicable the Commission shall require each railroad com-
18 pany to protect one quarter of said grade crossings during
19 the calendar year 1917, and one quarter during each of the
20 three succeeding calendar years, giving preference in point
21 of time to the more dangerous crossings, but for good cause

22 shown the Commission may suspend any such order or may
23 extend the time within which any railroad company shall
24 comply therewith. If at any such crossing the railroad
25 company passing over the same shall, under existing law,
26 under the provisions of this Act or at its own expense, re-
27 move obstructions so as to permit a fair view as described
28 in Section 2 hereof, such crossing shall not thereafter, so
29 long as such fair view is maintained, be held to be subject
30 to the provisions of this section.

Sect. 10. All orders of the Commission made under this
2 act may be enforced in the manner provided in Chapter 55
3 of the Revised Statutes. The Supreme Judicial Court is
4 hereby given jurisdiction at law and in equity to enforce
5 compliance of any order issued by the public utilities com-
6 mission under this act. It shall be the duty of said com-
7 mission to see that the rights of the public under this act
8 are fully protected.

Sect. 11. Except where otherwise herein expressly speci-
2 fied this act shall apply only to railroads operated in whole
3 or principally by steam power.

Sect. 12. For the purpose of creating and maintaining
2 the fair view mentioned in this act, any steam railroad com-
3 pany subject to the provisions hereof may enter upon pri-
4 vate property and remove any embankment or other ob-
5 struction except a dwelling house. The owner of such
6 property is entitled to damages, and may have the same
7 estimated and paid in the manner provided in Chapter fifty-

8 six, Revised Statutes of nineteen hundred sixteen, and there
9 shall be the same right of appeal as therein given.

Sect. 13. 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. 14. In view of the emergency cited in the preamble,
2 this act shall take effect when approved.