

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

SENATE

NO. 86

In Senate, February 25, 1921.

Reported by Mr. Folsom from Committee on Public Utilities
and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Amend Sections Three, Four and Twelve of Chapter One Hundred and Forty-five of the Public Laws of Nineteen Hundred and Seventeen, Relating to the Removal of Obstructions at Grade Crossings, and to Amend Section Thirteen of Said Chapter One Hundred and Forty-five, Relating to the Exception of Certain Railroads from Certain Provisions of Said Chapter.

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

Section three of chapter one hundred and forty-five of the
2 public laws of nineteen hundred and seventeen is hereby
3 amended by substituting for the words, "designated under
4 the provisions of the preceding section", in the second line
5 thereof, the words, 'of a highway or other way and a steam

6 railroad at grade'; and by adding after the word "remove"
7 in the ninth line thereof the words, 'and from time to time
8 as may be necessary to keep trimmed, cut down and re-
9 moved'; and by adding after the word "car", in the eigh-
10 teenth line thereof, the words, 'from one or more angles';
11 so that said section as amended shall read as follows:

'Sect. 3. Municipal officers, on order of commission, to
2 remove obstructions. Ten days' notice to be given to inter-
3 ested parties. At every 'crossing of a highway or other
4 way and a steam railroad at grade and at every crossing of
5 a highway or other way and an electric railroad at grade
6 the municipal officers of the town in which the crossing is
7 located are given authority and are hereby required, when
8 by order directed so to do by the public utilities commis-
9 sion, after ten days' notice to all persons interested, to re-
10 move embankments and other obstructions within highway
11 limits and to enter upon private property and properly trim,
12 cut down or remove, and from time to time as may be
13 necessary to keep trimmed, cut down and removed, bushes,
14 trees, fences, sign-boards and encroachments which obstruct
15 the view of an engine, train or car by a traveler at or near
16 any such crossing. The authority of the commission in any
17 order and of the municipal officers acting thereunder shall
18 not extend beyond a point one hundred and fifty feet on
19 either side of any such crossing measured along the high-
20 way or other way or beyond a point three hundred feet on
21 either side of any such crossing measured along the rail-

22 road right of way, the purpose herein being to enable a
23 traveler on any such way, when such traveler is one hun-
24 dred and fifty feet or less distant from any such crossing,
25 to have a fair view of an approaching train, engine or car
26 from one or more angles continuously from the time such
27 train, engine or car is three hundred feet from such cross-
28 ing until it has passed over the same.'

Section four of chapter one hundred and forty-five of the
2 public laws of nineteen hundred and seventeen is hereby
3 amended by adding after the word "removed" in the third
4 line thereof the words 'and from time to time as may be
5 ordered by said commission to keep the same trimmed, cut
6 down or removed'; so that said section as amended shall
7 read as follows:

'Sect. 4. Expense of removal to be paid by municipality;
2 partial reimbursement by the state. Within such time as
3 said commission by order directs, such municipal officers
4 shall cause such bushes, trees, fences, sign-boards or en-
5 croachments to be trimmed, cut down or removed, and from
6 time to time as may be ordered by said commission to keep
7 the same trimmed, cut down or removed, and the expense
8 thereof shall in the first instance be paid by the city, town
9 or plantation wherein the labor is performed, but upon the
10 filing with the governor and council of proper proof of such
11 payment, one-half of any such amount shall be repaid by
12 the state to such city, town or plantation, the same to be
13 paid out of any funds not otherwise appropriated.'

Section twelve of chapter one hundred and forty-five of
2 the public laws of nineteen hundred and seventeen, is here-
3 by amended by adding after the word "act", in the second
4 line thereof, the words, 'or for the purpose of improving
5 the view at one or more angles'; so that said section as
6 amended shall read as follows:

'Sect. 12. Railroad company may enter upon private
2 property. For the purpose of creating and maintaining the
3 fair view mentioned in this act, or for the purpose of im-
4 proving the view at one or more angles, any steam railroad
5 company subject to the provisions hereof may enter upon
6 private property and remove any embankment or other ob-
7 struction except a dwelling house. The owner of such
8 property is entitled to damages, and may have the same
9 estimated and paid in the manner provided in chapter fifty-
10 six, revised statutes, and there shall be the same right of
11 appeal as therein given.'

Section thirteen of chapter one hundred and forty-five of
2 the public laws of nineteen hundred and seventeen is here-
3 by amended by adding after the word "provisions" in the
4 first line thereof, the words 'of sections one and nine', and
5 by adding after the word "the" in the second line thereof
6 the words 'Knox Railroad Company, formerly called', so
7 that said section as amended shall read as follows:

'Sect. 13. Certain railroads excepted. The provisions of
2 sections one and nine of this act shall not apply to railroads
3 of less than standard gauge, nor to the Knox Railroad Com-
4 pany, formerly called Georges Valley Railroad Company.'