

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 105

In Senate, Feb. 16, 1923.

Referred to Committee on Public Utilities and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Smith of Somerset.

STATE OF MAINE

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

AN ACT to Amend Section Thirty of Chapter Fifty-six of the Revised Statutes, as Amended by Chapter Seventy-six of the Public Laws of Nineteen Hundred Seventeen and by Chapter Fifty-three of the Public Laws of Nineteen Hundred Nineteen, Relating to Branch Railroad Tracks.

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

Section thirty of chapter fifty-six of the revised statutes,
2 as amended by chapter seventy-six of the public laws of
3 nineteen hundred seventeen and by chapter fifty-three of
4 the public laws of nineteen hundred nineteen, is hereby
5 further amended by striking out all of said section as
6 amended and substituting therefor the following:

‘Sect. 30. Authority to build branch tracks. R. S. c. 51,
2 30. 1905, c. 127. 1907, c. 92. 1913, c. 126. Any rail-
3 road corporation, under the direction of the public utilities
4 commission, may locate, construct and maintain branch
5 railroad tracks to any railroad station of another corpo-
6 ration or to connect with another railroad or to any mills,
7 mines, quarries, gravel-pits, log landing or yard, warehouses
8 and storehouses, educational institution, or manufacturing
9 establishments erected, or in process of erection, in any
10 town or township, through which the main line of said
11 railroad is constructed, but not within any city without the
12 consent of the city council, and for that purpose said cor-
13 poration shall have all the powers and rights granted and
14 be subject to all the duties imposed upon it by its charter.

The public utilities commission, upon petition of any party
2 interested, after notice and hearing, may order any rail-
3 road company to construct, maintain and operate such a
4 branch railroad track to any such mill, mine, quarry, log
5 landing or yard, warehouse, storehouse or manufacturing
6 establishment owned or operated by the petitioner, when-
7 ever said commission shall find that such track is neces-
8 sary for the reasonably convenient conduct of the business
9 of the petitioner and is warranted by the volume of busi-
10 ness to be handled thereon and can be so constructed, main-
11 tained and operated with due regard to safety and the rea-
12 sonable operation of the railroad; provided, however, that
13 no such order shall be made by said commission unless the

14 petitioner shall provide, at his own expense, the right of
15 way for such portion of said track as is not located upon
16 the land of the railroad company; shall pay all the expense
17 of the construction and maintenance of said track; shall
18 furnish such security for said payment and shall comply
19 with such conditions as to fire release and the operation
20 of such track as the commission may prescribe. Said com-
21 mission shall also have authority upon petition of any party
22 interested after notice and hearing to order any railroad
23 company to alter any existing branch railroad track, when-
24 ever in its judgment such alteration is necessary for the
25 reasonably convenient conduct of the business of the peti-
26 tioner. All expenses of such alteration shall be paid by
27 the petitioner. The commission, upon petition of any party
28 interested, after notice and hearing, may permit any party
29 owning or occupying premises adjacent to any track, con-
30 structed under this section, to use such track for receiv-
31 ing or holding freight in carload lots upon such terms and
32 conditions as it may prescribe, including the payment of a
33 part of the original cost of such track and of its future
34 maintenance and suitable fire releases.'