

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1365

H. P. 1150

House of Representatives, March 17, 1955.

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Osborne of Fairfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT to Promote Safety on Common Carriers by Railroad.

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

Sec. 1. R. S., c. 46, §§ 60-A - 60-I, additional. Chapter 46 of the revised statutes is hereby amended by adding thereto 9 new sections, to be numbered 60-A to 60-I, inclusive, to read as follows :

'Sec. 60-A. Crew for passenger trains. It shall be unlawful for any carrier to operate, or permit to be operated, any passenger train in the State of Maine consisting of less than 5 cars, unless said train shall be manned by a crew of competent employees, which crew shall consist of not less than one engineer, one fireman, one conductor and one flagman. When any passenger train consists of 5 cars or more, any one or more of which carries passengers, such passenger train shall be manned by one brakeman in addition to the crew prescribed for a passenger train of less than 5 cars. No member of the crew shall be permitted or required to perform the duties of baggageman or express messenger.

Sec. 60.B. Crew for freight trains of less than 50 cars. It shall be unlawful for any carrier to operate, or permit to be operated, in the State of Maine, any freight train consisting of less than 50 cars without a crew of competent employees, which crew shall consist of not less than one engineer, one fireman, one conductor, one flagman and one brakeman.

Sec. 60-C. Crew for freight trains of more than 50 cars. It shall be unlawful for any carrier to operate, or permit to be operated, any freight train consisting of 50 cars or more without a crew of competent employees, which crew shall consist of not less than one engineer, one conductor, one flagman and 2 brakemen.

Sec. 60-D. Local freight trains. It shall be unlawful for any carrier to operate, or permit to be operated, in double track territory, any local freight train doing any switching or unloading of any freight of any nature whatever, without a crew of competent employees, which crew shall consist of not less than one engineer, one fireman, one conductor, one flagman and 2 brakemen.

Sec. 60-E. Other trains. All other trains not specifically referred to hereinbefore shall be manned by a crew of not less than one engineer, one fireman, one conductor, one flagman and one brakeman.

Sec. 60-F. Single locomotive. It shall be unlawful for any carrier to operate, or permit to be operated, on its main track, any single locomotive, unless said locomotive is manned by a crew of competent employees, which crew shall consist of not less than one engineer, one fireman and one conductor or flagman; provided, however, that where two or more steam locomotives are operated under their own power on any main track, and coupled together, there shall be provided a crew of one engineer and one fireman for each locomotive, and in addition thereto, one conductor or flagman.

Sec. 60-G. Self-propelled machines. It shall be unlawful for any carrier to operate as a locomotive or permit to be operated as a locomotive, on its main track, any self-propelled crane, pile driver, weed burner or other self-propelled engine or machine not used for the transportation of passengers, or freight or property for hire, which has sufficient power to draw or propel itself and one or more standard railroad cars, unless such engine or machine shall be manned by a crew of competent employees consisting of not less than one conductor and one flagman.

Sec. 60-H. Disability of member of crew; relief or wrecking trains. In the case of the disability of a member of a crew between terminals, the carrier shall have the right to operate the locomotive or train with a less number of employees than is provided herein until such locomotive or train arrives at the next terminal where employees of the same class as the disabled employee are available, when such carrier shall fill the vacancy on such crew. The provisions of sections 60-A to 60-I, inclusive, shall not apply to relief or wrecking trains where sufficient competent employees are not available.

Sec. 60-I. Powers of Commission. It shall be the duty of the Public Utilities Commission to execute and enforce the provisions of sections 60-A to 60-I, inclusive, and all powers granted to such Commission are hereby extended to it in the execution of the provisions of said sections.'

Sec. 2. R. S., c. 46, § 62, amended. Section 62 of chapter 46 of the revised statutes is hereby amended to read as follows:

'Sec. 62. Violation of §§ 60-A to 61, inclusive. A railroad corporation violating any provision of sections 60-A to 60-I, inclusive, or of the preceding section forfeits for each offense, \$100 to the State, to be recovered in an action on the case or by complaint and indictment; and the Attorney General shall prosecute therefor. Said ~~section does~~ sections do not apply to street railroads.'

Sec. 3. R. S., c. 46, § 60, repealed. Section 60 of chapter 46 of the revised statutes is hereby repealed.