

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1294

H. P. 908

House of Representatives, March 14, 1957

Referred to the Committee on Public Utilities, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Winchenpaw of Friendship.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Requiring Railroads to Provide Safety Measures for Those Walking
Along Railroad Tracks.

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

R. S., c. 46, §§ 98-A - 98-B, additional. Chapter 46 of the Revised Statutes is hereby amended by adding thereto 2 new sections to be numbered 98-A and 98-B, to read as follows:

'Sec. 98-A. Safe walking places. On and after one year from the effective date of this act, every person, firm, company, corporation, receiver or trustee operating a railroad as a common carrier in the State of Maine shall provide a safe place for employees to walk along all tracks over which trains are operated; shall provide safe and suitable walkways and handrails on all railroad bridges and trestles within this State over and upon which trains are operated, and all said handrails which shall be located at the outer edge of said walkways shall provide a clearance of not less than 8 feet and 6 inches from the center line of the nearest track.

It shall be the duty of the Public Utilities Commission to enforce the provisions of this section.

Any common carrier who violates any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$500, for each offense, to be enforced on complaint or by indictment.

Sec. 98-B. Action for damages. Any employee or other person who suffers injury to his person or property due in whole or in part to the failure to comply

with the provisions of section 98-A and in case of death the personal representatives of said decedent for the benefit of decedent's next of kin and dependents may recover from the operator of the railroad upon which said violation or failure occurred, all damages accruing therefrom. In any action for such damages assumption of risk and contributory negligence shall not constitute a defense.'