

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 1033

H. P. 728

House of Representatives, March 3, 1959

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

HARVEY R. PEASE, Clerk

Presented by Mr. Pike of Lubec.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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AN ACT Relating to Chemical Treatment to Bushes Adjacent to  
Railroad Crossings.

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

**Sec. 1. R. S., c. 46, § 91, amended.** Section 91 of chapter 46 of the Revised Statutes, as amended by section 2 of chapter 36 of the public laws of 1955 and by section 1 of chapter 6 of the public laws of 1957, is further amended to read as follows:

**'Sec. 91. Municipal officers, county commissioners or State Highway Commission, on order of commission, to remove obstructions; 10 days' notice to be given to interested parties.** At every crossing of a highway or other way excepting state and state aid highways and a ~~steam~~ railroad at grade and at every crossing of a highway or other way excepting state and state aid highways, the municipal officers of the town or county commissioners in the case of unorganized places in which the crossing is located are given authority and are required, when by order directed to do so by the Public Utilities Commission, after 10 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 **or apply chemical treatment to bushes**, and from time to time as may be necessary to ~~keep trimmed~~ cut down and ~~removed, bushes~~ **remove** trees, fences, signboards and encroachments which obstruct the view of an engine, train or car by a traveler at or near any such crossing ~~and at~~. At every **grade** crossing on state ~~highways~~ and state aid highways, ~~to remove fences and encroachments which obstruct the view of an engine, train or car by a traveler at or near any such crossing, and on such crossings on state~~

and state aid highways, when by order of the Public Utilities Commission, directed to do so, the State Highway Commission shall remove and properly trim, cut down or remove bushes, trees, and signboards when by order directed to do so by the Public Utilities Commission, the State Highway Commission shall properly trim, cut down, remove or apply chemical treatment to bushes, and properly trim, cut down and remove trees, also remove signboards which obstruct the view of an engine, train or car by a traveler at or near such crossing, and shall from time to time as may be necessary keep obstructions removed therefrom. The authority of the commission in any order and of the municipal officers, county commissioners or the State Highway Commission acting thereunder shall not extend beyond the land bounded by a line from a point 300 feet on either side of any such crossing measured along the highway or other way and a point 300 feet on either side of any such crossing measured along the railroad right-of-way, the purpose being to enable a traveler on any such way, when such traveler is 300 feet or less distant from any such crossing, to have a fair view of an approaching train, engine or car from one or more angles continuously from the time such train, engine or car is 300 feet from such crossing until it has passed over the same.'

**Sec. 2. R. S., c. 46, § 92, amended.** Section 92 of chapter 46 of the Revised Statutes, as amended by section 2 of chapter 6 of the public laws of 1957, is further amended to read as follows:

**'Sec. 92. Expense of removal paid by municipality; partial reimbursement by state.** Within such time as said commission by order directs, such municipal officers or county commissioners shall cause such bushes ~~trees, fences, signboards or encroachments to be trimmed,~~ to be cut down or removed, or chemically treated and shall cause such trees, fences, signboards or other encroachments to be trimmed, cut down or removed and from time to time as may be ordered by said commission to keep the same trimmed, cut down or removed, and the expense thereof shall in the first instance be paid by the ~~city, town or plantation~~ municipality wherein the labor is performed, but upon the filing with the Public Utilities Commission of proper proof of such payment,  $\frac{1}{2}$  of any such amount shall be repaid by the State to such ~~city, town or plantation~~ municipality, the same to be paid out of the appropriation for the operation of the Public Utilities Commission. Any expense incurred by the State Highway Commission in applying chemical treatment, or to properly trim, cut down or remove and from time to time as may be necessary to keep trimmed, cut down and removed, bushes, trees and signboards, shall be borne by said State Highway Commission.'