

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

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Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Eighth Legislature

**1917**

[supplied from page 1 of volume]

## Chapter 36.

An Act to Authorize the Public Utilities Commission to Require Through Routes and Joint Rates by Common Carriers for the Transportation of Persons or Property.

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

**Sec. 1.** Public utilities commission may order connecting steam railroads to establish joint rates. The public utilities commission may, after hearing, on a complaint or upon its own motion without complaint, require any two or more railroads operated by steam whose lines form a continuous line of transportation, or could be made reasonably so to do by the construction and maintenance of switch connection or interchange track at connecting points, to establish through routes, and joint rates, fares, charges and classifications for the transportation of property or passengers, provided there is no reasonable existing through route between the places it is desired to serve.

**Sec. 2.** Commission may prescribe joint rates when railroads fail to comply. On failure of such railroads to establish joint rates, fares, charges or classifications, as provided in the preceding section, the commission may, in the same proceeding, or in a separate proceeding involving rates, fares, charges or classifications, prescribe joint rates, fares, charges and classifications as the maximum to be exacted for the transportation by them of property or passengers, and if such companies cannot agree as to the division of rates, fares, or the conditions under which such through rates or transportation shall be established or such cars or other equipment, operated, the commission may, after due hearing, determine and prescribe the proportionate portions of such through rates, fares or charges payable to each of such companies necessary to the establishment of such through routes or transportation and the conditions under which such through routes or transportation shall be established, or the conditions under which such cars or other equipment shall be operated.

**Sec. 3.** Railroad not to be required to short haul itself. In establishing any such through route the commission shall not require any company, without its consent, to embrace in any such route substantially less than the entire length of the railroad owned, leased, operated or controlled by it, or operated in conjunction and under a common management therewith, which lies between the places to be served by such through route.

Nothing herein contained shall be construed to require, or as authorizing the commission to require, any steam railroad to "short haul" itself or to give the use of its tracks or of its terminal facilities to another carrier engaged in a like or similar business.

Approved March 15, 1917.

## Chapter 37.

An Act to Amend Section Thirty of Chapter Twenty-four of the Revised Statutes Relating to the Crossing of Railroad Tracks by Town Ways and Highways.

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

**R. S., c. 24, § 30,** relating to crossing of railroad tracks by town ways and highways, amended. Section thirty of chapter twenty-four of the re-

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vised statutes is hereby amended by striking out all of said section and substituting therefor the following:

**Sec. 30. Public utilities commission may grant or refuse permission. Appeal may be taken.** Town ways and highways may be laid out across, over or under any railroad track, except that no such location shall be legal or effective, nor shall any such way be constructed, unless the public utilities commission, on application of the municipal officers of the city or town, wherein such way is located, or of the parties owning or operating the railroad, shall, upon notice and hearing, determine that such way shall be permitted to cross such track. Said commission shall have the right to refuse its said permission or to grant the same upon such terms and conditions as it may prescribe including the manner and conditions in accordance with which the way may cross such track and whether the expense of building and maintaining so much of said way as is within the limits of such railroad shall be borne by such railroad company, or by the city or town in which such way is located, or shall be apportioned between such company and city or town as may be determined by said commission. Said commission shall make a report in writing of its decision thereupon, file the same in its office and cause to be sent by mail or otherwise to each of the railroad corporations, and the municipal officers of the city or town as the case may be, interested therein, a copy of such decision. Such decision shall be final and binding upon all parties unless an appeal therefrom shall be taken and entered at the next succeeding term of the supreme judicial court, to be held in the county where the crossing is located, more than thirty days after the date of the filing of the report; and said public utilities commission shall be made a party defendant in such appeal and entitled to be heard in all subsequent proceedings had upon such appeal. The appellant shall within fourteen days from the date of the filing of such report, file in the office of the public utilities commission its reason for appeal and fourteen days at least before the sitting of the appellate court it shall cause to be served upon such other interested corporations or municipality a copy of such reasons for appeal certified by the clerk of the public utilities commission. The presiding justice at such term of court shall make such order or decree thereon as law and justice may require. Exceptions may be taken to such order or decree. The final adjudication shall be recorded as provided in section thirty-three of this chapter and a copy of such final decision sent to the public utilities commission by the clerk of the court where such final adjudication is made. Costs may be taxed and allowed to either party at the discretion of the court.'

Approved March 15, 1917.

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## Chapter 38.

An Act to Amend Section Thirty-four of Chapter Twenty-four of the Revised Statutes Relating to Highway Crossings of Railroads.

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

**R. S., c. 24, § 34, relating to the abolishment of grade crossings, amended.** Section thirty-four of chapter twenty-four of the revised stat-