

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.

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.

THE LEWISTON JOURNAL CO.
LEWISTON, MAINE
1917

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

1917

[supplied from page 1 of volume]

Chapter 145.

An Act to Require Automatic Signals and the Removal of Obstructions at Certain Grade Crossings not Protected by Gates or Flagmen.

Preamble. Whereas, the installation and operation of "automatic signals" so-called and the removal of obstructions at certain grade crossings in this state are necessary for the preservation of the safety of the public, and

Whereas, such necessity makes the following act an emergency measure immediately necessary for the preservation of the public peace, health or safety, now, therefore

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

Sec. 1. Public utilities commission may require installation of automatic signals at highway crossings. Expense how borne; term defined. The public utilities commission is hereby given authority to require each steam railroad company operating within this state to install, operate and maintain an automatic signal at any highway crossing within this state, where, after reasonable notice and hearing, said commission shall decide that public safety requires such signal as a proper measure of protection. The expense of installing, operating and maintaining any such signal shall be borne by the corporation operating the railroad passing over the crossing to be protected. Wherever the term "signal" or "automatic signal" is used in this act, same shall be construed to be an appliance which gives warning of the approach of a train and which is audible and visible by day and by night.

Sec. 2. Commission shall designate crossings. Immediately upon the passage of this act, the public utilities commission shall designate by general orders, which may be issued without formal notice or hearing, the grade crossings in this state at which, from all points on the highway or other way within one hundred and fifty feet of such crossings and on either side thereof measured along said highway or way a traveler on the way carrying such crossing can have a fair view of an approaching train, engine or car continuously from the time such train, engine or car is three hundred feet from such crossing until it has passed over the same, either under existing conditions or by bushes, trees, fences, signboards or encroachments being trimmed, cut down or removed as hereinafter provided.

Sec. 3. Municipal officers, on order of commission, to remove obstructions. Ten days' notice to be given to interested parties. At every crossing designated under the provisions of the preceding section and at every crossing of a highway or other way and an electric railroad at grade the municipal officers of the town in which the crossing is located are given authority and are hereby required, when by order directed so to do by the public utilities commission, after ten 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 bushes, trees, fences, signboards and encroachments which obstruct the view of an engine, train or car by a traveler at or near any such

CHAP. 145

crossing. The authority of the commission in any order and of the municipal officers acting thereunder shall not extend beyond a point one hundred and fifty feet on either side of any such crossing measured along the highway or other way or beyond a point three hundred feet on either side of any such crossing measured along the railroad right of way, the purpose herein being to enable a traveler on any such way, when such traveler is one hundred and fifty feet or less distant from any such crossing, to have a fair view of an approaching train, engine or car continuously from the time such train, engine or car is three hundred feet from such crossing until it has passed over the same.

Sec. 4. Expense of removal to be paid by municipality; partial reimbursement by state. Within such time as said commission by order directs, such municipal officers shall cause such bushes, trees, fences, signboards or encroachments to be trimmed, cut down or removed, and the expense thereof shall in the first instance be paid by the city, town or plantation wherein the labor is performed, but upon the filing with the governor and council of proper proof of such payment, one-half of any such amount shall be repaid by the state to such city, town or plantation, the same to be paid out of any funds not otherwise appropriated.

Sec. 5. Damages; commission to determine amount; municipality and state to share in payment. If any person claims damages on account of any act done under the two preceding sections, he may within two years after the doing of any such act, petition the public utilities commission to assess his damages and the said commission, after reasonable notice to the petitioner and to the interested city, town or plantation, and after hearing, shall award such sum as seems proper as damages to be paid by the city, town or plantation wherein the property is located. Upon proper proof of any such payment, the governor and council shall cause one-half thereof to be paid by the state to such city, town or plantation.

Sec. 6. Buildings not to be removed without consent of owner. Nothing in the four preceding sections contained shall authorize the removal of any building without the consent of the owner thereof.

Sec. 7. Inconsistent statute repealed. So much of section one hundred eleven of chapter twenty-four of the revised statutes as authorizes the state highway department to enter upon private property at railroad crossings for purposes named therein is hereby repealed.

Sec. 8. Interference in performance of duty; penalty and jurisdiction. Obstruction or interference with the performance of any act authorized or required hereunder is hereby declared to be a misdemeanor, and any person convicted of the same shall be fined not more than twenty dollars or imprisoned not more than thirty days. Jurisdiction over each such offense is hereby conferred on each municipal court and trial justice in the state.

Sec. 9. Commission to serve upon railroad companies list of grade crossings where automatic signals are to be maintained. Hearing to be ordered. Companies given period of four years to complete installation. Within sixty days after the passage of this act the public utilities com-

mission shall serve upon each steam railroad company operating in this state a list of its grade crossings at which in the opinion of the commission automatic signals should be installed, operated and maintained or some other form of protection given to travelers on the highway or other way, and shall order a date for public hearing thereon, at which time the respective railroad companies shall show cause why such protection as suggested by said commission should not be given. Within thirty days after said hearing the commission shall determine and, by order served on the respective railroad companies, shall state the character of protection, if any, to be installed at each such crossing and shall set a date or dates on or before which each such crossing shall be protected in the manner prescribed by said commission; and in so far as practicable the commission shall require each railroad company to protect one quarter of said grade crossings during the calendar year nineteen hundred and seventeen, and one quarter during each of the three succeeding calendar years, giving preference in point of time to the more dangerous crossings, but for good cause shown the commission may suspend any such order or may extend the time within which any railroad company shall comply therewith. If at any such crossing the railroad company passing over the same shall, under existing law, under the provisions of this act or at its own expense, remove obstructions so as to permit a fair view as described in section two hereof, such crossing shall not thereafter, so long as such fair view is maintained, be held to be subject to the provisions of this section.

Sec. 10. Orders of commission, how enforced. All orders of the commission made under this act may be enforced in the manner provided in chapter fifty-five of the revised statutes. The supreme judicial court is hereby given jurisdiction at law and in equity to enforce compliance of any order issued by the public utilities commission under this act. It shall be the duty of said commission to see that the rights of the public under this act are fully protected.

Sec. 11. Applicable only to steam railroads. Except where otherwise herein expressly specified this act shall apply only to railroads operated in whole or principally by steam power.

Sec. 12. Railroad company may enter upon private property. For the purpose of creating and maintaining the fair view mentioned in this act, any steam railroad company subject to the provisions hereof may enter upon private property and remove any embankment or other obstruction except a dwelling house. The owner of such property is entitled to damages, and may have the same estimated and paid in the manner provided in chapter fifty-six, revised statutes, and there shall be the same right of appeal as therein given.

Sec. 13. Certain railroads excepted. The provisions of this act shall not apply to railroads of less than standard gauge, nor to the Georges Valley Railroad Company.

Sec. 14. Emergency Clause. In view of the emergency cited in the preamble, this act shall take effect when approved.