

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
approved August 6, 1930 and April 2, 1931.

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninetieth Legislature

1941

CHAP. 18

voting ballot with the clerk of the city or town in which he is a registered voter may, after his application is certified and he has obtained an official absent voting ballot or physical incapacity voting ballot as provided in the 2 sections last preceding, vote by mailing said ballot as hereinafter provided or by delivering said ballot in person, to such city or town clerk. He shall mark said ballot in the presence of any official authorized by law to administer oaths, if the marking is done within the state of Maine, ~~and~~ or in the presence of any notary public having a seal, if the marking is done outside of the state of Maine, or in the presence of any commissioned officer of the army, navy or marine corps, including officers of the national guard, officers' reserve corps, naval militia, naval reserve, or marine corps reserve in federal service, if the voter is in the military service of the United States, whether within or outside of the state of Maine; but, in either case, no person other than the voter and the official taking his oath shall be present during the marking and sealing of said ballot. Before marking said ballot, the voter shall exhibit it to said official, who shall satisfy himself that it is unmarked, but he shall not allow said official to see how he marked it. Said official shall hold no communication with the voter, nor he with said official, as to how he is to vote. Thereafter the voter shall enclose and seal the ballot in the envelope provided for in clause (c) of section 2. He shall then execute before said official the affidavit on said envelope as set forth in said clause (c), and commissioned officers of the army, navy and marine corps, including officers of the national guard, officers' reserve corps, naval militia, naval reserve, and marine corps reserve in federal service are hereby authorized to administer the oaths herein required. Said official shall endorse thereon the certificate provided for in said clause (c) and affix his official seal, if any, and said voter shall enclose and seal the envelope with the ballot in the envelope provided for in clause (d) of section 2, endorse thereon his name, address and voting place, and mail the same within the time prescribed in the following section, by registered mail requesting return receipt therefor, postage prepaid, at any post office, or may deliver the same in person as above provided.'

Approved February 28, 1941

Chapter 18

AN ACT Relating to the Construction of Branch Tracks by Railroad Corporations.

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

R. S., c. 63, § 30, amended. Section 30 of chapter 63 of the revised statutes is hereby amended to read as follows:

Sec. 30. Authority to build branch tracks. Any railroad corporation, under the direction of the public utilities commission, may locate, construct, and maintain branch railroad tracks to any railroad station of another corporation or to connect with another railroad or to any mills, mines, quarries, gravel-pits, log landing or yard, warehouses and storehouses, airports, piers, docks, shipyards, educational institution, or manufacturing establishments erected, or in process of erection, in any town or township, through which the main line of said railroad is constructed, but not within any city without the consent of the city council, and for that purpose said corporation shall have all the powers and rights granted and be subject to all the duties imposed upon it by its charter.

The public utilities commission, upon petition of any party interested, after notice and hearing, may order any railroad company to construct, maintain, and operate such a branch railroad track to any such mill, mine, quarry, log landing or yard, warehouse, storehouse, airport, pier, dock, shipyard, or manufacturing establishment owned or operated by the petitioner, whenever said commission shall find that such track is necessary for the reasonably convenient conduct of the business of the petitioner and is warranted by the volume of business to be handled thereon and can be so constructed, maintained, and operated with due regard to safety and the reasonable operation of the railroad; provided, however, that no such order shall be made by said commission unless the petitioner shall provide, at his own expense, the right of way for such portion of said track as is not located upon the land of the railroad company; shall pay all the expense of the construction and maintenance of said track; shall furnish such security for said payment and shall comply with such conditions as to fire release and the operation of such track as the commission may prescribe. Said commission shall also have authority upon petition of any party interested after notice and hearing to order any railroad company to alter any existing branch railroad track, whenever in its judgment such alteration is necessary for the reasonably convenient conduct of the business of the petitioner. All expenses of such alteration shall be paid by the petitioner. The commission, upon petition of any party interested, after notice and hearing, may permit any party owning or occupying premises adjacent to any track, constructed under this section, to use such track for receiving or holding freight in car-load lots upon such terms and conditions as it may prescribe, including the payment of a part of the original cost of such track and of its future maintenance and suitable fire releases.'