

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 241

AN ACT to Tax the Personal Property of Domestic Life Insurance Companies.

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

36 MRSA § 2511, first sentence, as last amended by PL 1973, c. 727, § 2, is amended to read:

Every life insurance company or association, organized under the laws of this State, in lieu of all other taxation, shall be taxed as follows: First, its real estate and personal property shall be taxed by the municipality in which such real estate or personal property is situated, in the same manner as other real estate is taxed therein; 2nd, it shall pay a tax of 1% upon all gross direct premiums written, including annuity considerations, whether in cash or notes absolutely payable, received from residents of this State, first deducting therefrom all return premiums and all dividends paid to policyholders in this State on account of said premiums or considerations.

Effective October 1, 1975

CHAPTER 242

AN ACT Relating to Railroad Crossings.

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

Sec. 1. 35 MRSA § 816 is amended to read:

§ 816. Temporary crossings

A railroad company may, for the purpose of accommodating lumbering operations and for the transportation in ordinary vehicles of wood, coal, ice, hay or other commodities, establish and maintain temporary crossings of any railroad operated by it, by agreement with any person who may request such crossing for such purposes. Upon petition, the ~~commission~~ Department of Transportation, after notice and hearing, may direct any railroad company to establish and maintain such temporary crossings at such places on its line of road as said ~~commission~~ Department of Transportation shall deem expedient, and thereupon said railroad company shall establish such crossing and maintain the same in accordance with this section and sections 817 to 819.

Whenever in the opinion of the ~~commission~~ Department of Transportation any temporary railroad crossing established under this section is no longer necessary, said ~~commission~~ Department of Transportation may, on its own motion or on petition of any interested party, after notice and hearing, order such crossing discontinued.

Sec. 2. 35 MRSA § 818, as repealed and replaced by PL 1971, c. 202, is amended to read:

§ 818. Precautions at crossings

No team or vehicle shall be driven over any such crossing unless such team or vehicle shall first be stopped within a reasonable distance from the nearest rail of such crossing, and the operator, by looking and listening, shall have determined that nothing is approaching on the tracks of such railroad. Nothing in this section shall prevent the ~~commission~~ Department of Transportation from making such further regulations for safety at any such crossing established under ~~their~~ its direction, as ~~they~~ it may deem expedient or necessary.

Sec. 3. 35 MRSA § 819 is amended to read:

§ 819. Crossings kept open part of year; expense apportioned

Each such crossing shall be kept open only during such time each year as the parties interested therein may agree upon, or as the ~~commission~~ Department of Transportation may specify in cases where the ~~commission~~ Department of Transportation directs such crossings to be established. When the ~~commission~~ Department of Transportation shall direct any such temporary crossing to be established, ~~they~~ it shall determine who shall bear the expense of establishing and maintaining such crossing and ~~they~~ it may, if ~~they~~ see it sees fit, apportion such expense between the railroad company and the person or persons who shall have petitioned for such crossing. The expense of the crossing signs and the planking between the rails shall in any event be borne by the railroad company.

Sec. 4. 35 MRSA § 821 is amended to read:

§ 821. Signboards at grade crossings; ringing of engine bells

Every railroad corporation shall cause signboards with the words "Railroad Crossing" distinctly painted on each side thereof in letters plainly legible, to be placed and constantly maintained at the side of highways and town ways where they are crossed at grade by such railroads, on posts or other structures, in such position as to be easily seen by persons passing upon such ways. Every such corporation shall cause a whistle and a bell of at least 35 pounds in weight to be placed upon each locomotive used upon its railroad, and such whistles shall be sounded as a warning beginning at a distance of ~~60 rods~~ 990 feet on standard or narrow gauge railroads from all crossings of such ways on the same level, unless the ~~commission~~ Department of Transportation upon petition of the corporation or of the municipal officers or of 10 or more residents of any city or town in which such crossing is located, after notice and hearing, shall order the sounding of such whistle to be discontinued in any city or village until further order of the ~~commission~~ Department of Transportation. Such bell shall be rung at a distance of ~~60 rods~~ 990 feet, on standard or narrow gauge railroads, from such grade crossings and be kept ringing until the engine has passed the same. Upon petition of 10 or more residents of the State, after notice to the railroad corporation and a public hearing, the ~~commission~~ Department of Transportation may in writing order such corporation to give additional warning to travelers upon such ways by requiring the sounding of such whistles or the ringing of such bells at other places where said railroads cross such public ways other than at grade or run contiguous thereto, and such orders shall have the same force and place the same obligations upon railroad corporations as when required under this section.

Sec. 5. 35 MRSA § 822-A is enacted to read:

§ 822-A. Right of entry

The officers, agents and employees of the Department of Transportation shall have the right to enter in and upon property of any railroad corporation for the purpose of inspecting railroad-highway crossings and attendant facilities, including grade separation facilities.

Sec. 6. 35 MRSA § 1178 is amended to read:

§ 1178. Speed limit at highway grade crossings

The ~~Public Utilities Commission~~ Department of Transportation is authorized to fix a maximum speed limit at which trains may be run over any grade crossing of a highway or other way and, when such limit has been fixed by said ~~commission~~ Department of Transportation, no engine or train shall be run over such crossings at a greater speed than that fixed by the ~~commission~~ Department of Transportation and no way shall be unreasonably and negligently obstructed by engines, tenders or cars. Any railroad corporation forfeits not more than \$100 for every violation of this section.

Effective October 1, 1975

CHAPTER 243

AN ACT to Expand the Right-to-Know Law to Cover the Boards of Trustees of the University of Maine and of the Maine Maritime Academy.

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

1 MRSA § 402, as last amended by PL 1973, c. 433, § 1, is repealed and the following enacted in place thereof:

§ 402. Public proceedings defined

The term "public proceedings" as used in this subchapter shall mean the transactions of any functions affecting any or all citizens of the State by any administrative or legislative body of the State, or of any of its counties or municipalities, or of any other political subdivision of the State or of the Board of Trustees of the University of Maine or of the Board of Trustees of the Maine Maritime Academy, with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency.

Effective October 1, 1975

CHAPTER 244

AN ACT Concerning the Powers of Officers of Religious Societies.

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

13 MRSA § 2982, 5th sentence is repealed and the following enacted in place thereof: