

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

---

1959 CUMULATIVE SUPPLEMENT

---

ANNOTATED

---

IN FIVE VOLUMES

VOLUME 2

---

**Place in Pocket of Corresponding  
Volume of Main Set**

---

THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1959

ulings of law may be rendered futile. In re Central Maine Power Co., 152 Me. 32, 122 A. (2d) 541.

Under this section, questions of law, and only questions of law, are presented by exceptions. Central Maine Power Co. v. Public Utilities Comm., 153 Me. 228, 136 A. (2d) 726.

Exceptions filed under this section are a proper remedy for raising questions of law relative to decrees of the P. U. C. even though section 70 provides for petition for review and section 69 provides for a petition in equity. Public Utilities Comm. v. Cole's Express, 153 Me. 487, 138 A. (2d) 466.

### Sec. 69. Additional court review.

**Statutory method prior to enactment of section.**—Prior to the enactment of § 69, the statutory method providing for exceptions in § 67, was the exclusive remedy for raising questions of law relative to decrees of the public utilities commission. Public Utilities Comm. v. Cole's Express, 153 Me. 487, 138 A. (2d) 466.

Prior to the enactment of § 69, the statutory method providing for exceptions in § 67, was the exclusive remedy for raising questions of law relative to decrees of the public utilities commission. Public Utilities Comm. v. Cole's Express, 153 Me. 487, 138 A. (2d) 466.

**Section unchanged since originally enacted.**—This section has been unchanged in the pertinent language since first enacted in Laws of 1913, Chap. 129, Sec. 53. Central Maine Power Co. v. Public Utilities Comm., 153 Me. 228, 136 A. (2d) 726.

**Alternative procedure.**—This section is an alternative procedure. Public Utilities Comm. v. Cole's Express, 153 Me. 487, 138 A. (2d) 466.

**Cited in Central Maine Power Co. v. Public Utilities Comm.,** 153 Me. 228, 136 A. (2d) 726.

### Sec. 70. Orders altered or amended.

This section does not give the respondent authority to file a petition for amendment, but the authority is given to the commission to rescind, alter or amend its decrees. Public Utilities Comm. v. Cole's Express,

153 Me. 487, 138 A. (2d) 466.

**Stated in Public Utilities Comm. v. Cole's Express,** 153 Me. 487, 138 A. (2d) 466.

### Sec. 71. Burden of proof.

**Applied in Central Maine Power Co. v. Public Utilities Comm.,** 150 Me. 257, 109 A. (2d) 512.

---

## Chapter 45.

### Steam Railroad—Organization and Construction.

Section 80. Minimum Distance for Clearance.

#### Damages.

**Sec. 37. Appeal; notice and proceedings.**—Any person, aggrieved by the decision or judgment of the county commissioners in relation to damages for land taken for railroad purposes, may appeal to the superior court to be held in the county where the land is situated, within 30 days after the report of the commissioners is made, which court shall determine the same by a committee of reference if the parties so agree or by a verdict of its jury, and shall render judgment and issue execution for the damages recovered, with costs to the party prevailing in the appeal, but no committee or jury shall alter the requirements in the report of the commissioners. The appellants shall, when such appeal is taken, include in the complaint a statement setting forth substantially the facts of the case and shall give written notice of such appeal with a copy of the com-

plaint to the opposite party. An appeal may be taken to the law court as in other actions. (R. S. c. 41, § 37. 1959, c. 317, § 17.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

**Effective date and applicability of Public Laws 1959, c. 317.** — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all fur-

ther proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

**Sec. 40. Service of process and notices.**—Service of process and notice may be made as process is served in other actions. Service of an injunction issued against any person, whether a party to the bill or not, may be made upon him and he shall be liable to all the penalties and consequences provided for a breach of it. (R. S. c. 41, § 40. 1959, c. 317, § 18.)

**Effect of amendment.**—The 1959 amendment rewrote the first sentence of this section.

**Effective date of 1959 amendment.**—See note to § 37.

### Inspection and Supervision.

**Sec. 56. Award returned to court for action; appeal; award binding when accepted.**—The award shall be returned to the court in the county where the hearing was had and accepted, or for good cause, rejected or recommitted. An appeal from any ruling of the court in such proceedings, except in recommitting the report, may be taken to the law court as in other actions. When the award is accepted and judgment rendered thereon, it is binding on all parties notified, whether they appeared or not, until a new award is made on another application; the court has full power to make the award effectual by process of contempt or otherwise as in equity cases; and if the corporation or managers of any such road, after they are notified of the acceptance of such award, fail to comply with it, the directors, superintendent or other agents operating the same shall be punished by a fine of not less than \$10, nor more than \$50, for each day of such failure, to be recovered by indictment in the county where it occurs. (R. S. c. 41, § 56. 1959, c. 317, § 19.)

**Effect of amendment.**—The 1959 amendment rewrote the second sentence of this section.

**Effective date of 1959 amendment.** — See note to § 37.

### Crossings and Bridges.

**Sec. 63. Crossing of public ways.**—Railroads may cross any public highways in the line of the railroad but cannot pass along them without the written consent of the officials charged by statute with the duty of maintenance of such ways; but when a railroad is hereafter laid out across a public way, it shall be constructed so as to pass either over or under such way unless the commission shall, after notice and hearing, authorize a crossing at grade. Before entering upon the construction of any railroad along or across public ways, the manner and conditions of crossing shall be determined as provided by chapter 96, section 48. (R. S. c. 41, § 63. 1959, c. 164.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

**Sec. 72. Company to erect and maintain bridge guards.**—Every railroad corporation shall erect and maintain suitable bridge guards at every bridge or other structure, any portion of which crosses the railroad less than 22 feet above the tracks. Such guards must be approved by the commission and be erected

and adjusted to their satisfaction. Any corporation refusing or neglecting to comply with the provisions of this section, for each month of continuance in such neglect or refusal, forfeits \$50; and whoever willfully destroys or breaks any such bridge guard forfeits not more than \$100, and may be imprisoned for not more than 30 days. (R. S. c. 41, § 72. 1959, c. 95.)

**Effect of amendment.**—The 1959 amendment divided the first sentence of this section into two sentences, substituted “22” for “20” and struck out the words “public utilities”, formerly appearing after the word “the” and before the word “commission.”

### Minimum Distance for Clearance.

**Sec. 80. Minimum distance for clearance.**—The public utilities commission shall have the right to prescribe a minimum distance for clearance of any structure, pole or other object over or beside any railroad track; provided, however, that the provisions of this section shall not apply to any structure, pole or other object in existence over or beside any railroad track on or before September 1, 1955. (1955, c. 259.)

## Chapter 46.

### Steam Railroads—Management and Operation.

Sections 60 to 98-A. Safety Provisions.

#### Safety Provisions.

**Sec. 75-A. Walks and handrails on railroad bridges.**—The public utilities commission shall have the right, upon complaint and after hearing, to require any common carrier by railroad to equip their bridges and trestles with suitable walks and handrails if after such hearing the public utilities commission finds that such walks and handrails are necessary for the safety of the public or railroad employees. (1957, c. 194.)

**Sec. 76. Method of heating cars approved; penalty.**—No passenger, mail or baggage car on any railroad in the state shall be heated by any method of heating or by any furnace or heater, unless such method or the use of such furnace or heater shall first have been approved in writing by the public utilities commission. In no event shall a common stove be allowed in any such car. Any railroad corporation may, with the permission of said commission, make such experiment in heating their passenger cars as said commission may deem proper.

Any railroad corporation violating any provision of this section forfeits not more than \$500. (R. S. c. 42, § 76. 1957, c. 397, § 31.)

**Effect of amendment.** — The 1957 amendment made two former provisos into separate sentences and added the last paragraph.

**Sec. 77.** Repealed by Public Laws 1955, c. 52.

**Sec. 78.** Repealed by Public Laws 1957, c. 397, § 32.

**Sec. 90. Crossing designated.**—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 300 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