

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

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

such train, engine or car is 300 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. (R. S. c. 42, § 89. 1955, c. 36, § 1.)

Effect of amendment.—The 1955 amendment substituted “300” for “150” in line four.

Sec. 91. Municipal officers, county commissioners or state highway commission, on order of commission, to remove obstructions; 10 days’ notice to be given to interested parties.—At every crossing of a highway or other way excepting state and state aid highways and a railroad at grade and at every crossing of a highway or other way excepting state and state aid highways, the municipal officers of the town or county commissioners in the case of unorganized places in which the crossing is located are given authority and are required, when by order directed to do so by the public utilities commission, after 10 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, remove or apply chemical treatment to bushes, and from time to time as may be necessary to cut down and remove trees, fences, signboards and encroachments which obstruct the view of an engine, train or car by a traveler at or near any such crossing. At every grade crossing on state and state aid highways, when by order directed to do so by the public utilities commission, the state highway commission shall properly trim, cut down, remove or apply chemical treatment to bushes, and properly trim, cut down and remove trees, also remove signboards which obstruct the view of an engine, train or car by a traveler at or near such crossing, and shall from time to time as may be necessary keep obstructions removed therefrom. The authority of the commission in any order and of the municipal officers, county commissioners or the state highway commission acting thereunder shall not extend beyond the land bounded by a line from a point 300 feet on either side of any such crossing measured along the highway or other way and a point 300 feet on either side of any such crossing measured along the railroad right-of-way, the purpose being to enable a traveler on any such way, when such traveler is 300 feet or less distant from any such crossing, to have a fair view of an approaching train, engine or car from one or more angles continuously from the time such train, engine or car is 300 feet from such crossing until it has passed over the same. (R. S. c. 42, § 90. 1955, c. 36, § 2. 1957, c. 6, § 1. 1959, c. 98, § 1.)

Effect of amendments. — The 1955 amendment substituted “300” for “150” in two places in the present third sentence. The 1957 and the 1959 amendments re-wrote this section.

Sec. 92. Expense of removal paid by municipality; partial reimbursement by state.—Within such time as said commission by order directs, such municipal officers or county commissioners shall cause such bushes to be cut down and removed, or chemically treated and shall cause such trees, fences, signboards or other encroachments to be trimmed, cut down or removed and from time to time as may be ordered by said commission to keep the same trimmed, cut down or removed, and the expense thereof shall in the first instance be paid by the municipality wherein the labor is performed, but upon the filing with the public utilities commission of proper proof of such payment, $\frac{1}{2}$ of any such amount shall be repaid by the state to such municipality, the same to be paid out of the appropriation for the operation of the public utilities commission. Any expense incurred by the state highway commission in applying chemical treatment, or to properly trim, cut down or remove and from time to time as may be necessary to keep trimmed, cut down and removed, bushes, trees

and signboards, shall be borne by said state highway commission. (R. S. c. 42, § 91, 1957, c. 6, § 2, 1959, c. 98, § 2.)

Effect of amendments. — The 1957 amendment added the last sentence to this section. tion, adding the provisions as to chemical treatment and making the section applicable to counties.

The 1959 amendment rewrote this sec-

Sec. 96. Orders of commission. — All orders of the commission made under the provisions of this chapter may be enforced in the manner provided in chapter 44. The superior court is given full jurisdiction to enforce compliance with any order issued by the public utilities commission under this chapter. It shall be the duty of said commission to see that the rights of the public under the provisions of this chapter are fully protected. (R. S. c. 42, § 95, 1959, c. 317, § 20.)

Effect of amendment.—The 1959 amendment rewrote the second sentence of 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. 98-A. Operation of diesel or diesel-electric locomotives in reverse or backing up position prohibited.—No railroad corporation operating diesel or diesel-electric locomotives in the state shall be permitted to operate such locomotives in reverse or backing up position on any passenger or freight train on any main line or branch line, except that such locomotives may be operated in reverse in emergencies or while doing switching operations, and excepting where no facilities are available for turning such locomotives at the point of departure. Any railroad corporation violating the provisions of this section shall be punished by a fine of \$100 for each violation. (1957, c. 324.)

Chapter 47.

Street Railroads.

Secs. 1-39. Repealed by Public Laws 1957, c. 85, § 3.

Chapter 48.

Operation of Motor Vehicles for Profit

Motor Vehicles Carrying Passengers or Freight for Hire or Leased for Hire.

Sec. 3. Rules and regulations governing use of motor vehicles.—The commission is authorized to make from time to time rules and regulations governing the operation of the motor vehicles described in sections 1 and 2, which shall include provisions concerning the route of operation, schedule to be operated and maintained, rates of fare to be charged for the carriage of passengers, the safeguarding of passengers and other persons using the streets and highways, and such other reasonable regulations as may be deemed necessary for the safety or convenience of the public. The power and authority conferred upon the com-