

# MAINE STATE LEGISLATURE

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**CHAPTER 55**

**MANAGEMENT AND OPERATION**

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**SUBCHAPTER I**

**FARES AND TOLLS**

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**§ 901. Fares and tolls established**

Any railroad corporation may establish and collect for its sole benefit, fares, tolls and charges upon all passengers and property conveyed and transported on its railroad, at such rates as may be determined by the directors thereof, and shall have a lien on its freight therefor, and may from time to time regulate by its directors the use of its road. Such rates of fares, tolls, charges and regulations are at all times subject to alteration by the Legislature or by such officers or persons as the Legislature

may appoint for the purpose, anything in the charter of such corporation to the contrary notwithstanding.

R.S.1954, c. 46, § 1.

### **§ 902. Rights of ticket holders**

No railroad company shall limit the right of a ticket holder to any given train, but such ticket holder may travel on any train, whether regular or express, and may stop at any of the stations along the line of the road at which such trains stop. Such ticket shall be good for such passage for 6 years from the day it was first issued. Railroad companies may sell excursion, return or other special tickets at less than the regular rates of fare, to be used only as provided on the ticket.

R.S.1954, c. 46, § 2.

### **§ 903. Railroad tickets, cancellation and exchange**

Section 902 shall not prevent railroad corporations from establishing necessary rules and regulations for the cancellation of tickets and exchange of partially used tickets, but such rules and regulations shall be publicly posted at each ticket office and on all passenger trains, and when practicable, printed upon the tickets. Any ticket or check given in exchange for the unused portion of a partially used ticket continues in force for the full term of the original ticket, as provided in said section.

R.S.1954, c. 46, § 3.

### **§ 904. Sale of limited tickets**

No person, other than a duly authorized agent of the railroad company issuing the same, shall sell, offer for sale or loan any railroad ticket limited to the use of a person or persons thereon specified at the time of its issuance by the railroad company, under a penalty of not less than \$10 nor more than \$100, for each offense, to be recovered on complaint.

R.S.1954, c. 46, § 4.

### **§ 905. Use of limited tickets, personal only**

No person, other than one specified on any railroad ticket limited to the use of a person or persons specified thereon at the time of its issuance by the railroad company, shall offer for passage or in payment for transportation on any railroad any such railroad ticket limited as provided, under a penalty of not

less than \$1 nor more than \$10 for each offense, to be recovered on complaint.

R.S.1954, c. 46, § 5.

### **§ 906. Mileage books transferable**

All mileage coupon books issued by any railroad company shall be issued without any names written thereon or therein limiting the use of said book or coupons therefrom to the persons so specified, but such books shall be absolutely transferable.

R.S.1954, c. 46, § 6.

### **§ 907. Issuance of mileage books**

All railroad corporations or companies doing business in this State and conveying passengers over any road or roads owned or operated by any motive power, whether owned or operated by them in their own or other names under lease or otherwise, which now or hereafter may issue a mileage ticket of 1,000 one-mile coupons for the use of the traveling public and keep the same on sale at their regular passenger stations, shall issue a mileage ticket of 500 one-mile coupons and sell the same at all stations where the 1,000-mile ticket is now or hereafter may be sold, at the same rate per mile as the 1,000-mile ticket may be sold. The holder of any such mileage ticket shall be entitled to travel by any regular passenger train over the road issuing the same and all lines of railroad owned, operated or leased by it, as many miles as there are coupons contained in such ticket. The minimum mileage to be detached shall be regulated by the printed contract contained in such ticket.

R.S.1954, c. 46, § 7.

### **§ 908. Evading payment of fare or riding freight train**

No person is entitled to transportation over a steam railroad or upon any steamboat or ferry or in a taxicab or public automobile, who does not on demand first pay the established fare. Whoever, while being transported over any steam railroad, steamboat, ferry or in a taxicab or public automobile, willfully refuses on demand to pay the established fare, and whoever fraudulently evades payment of the established fare by giving a false answer, or by traveling beyond the place to which he has paid, or by leaving a train, steamboat or ferry, or taxicab or public automobile without paying the established fare, whether said

fare is demanded or not, forfeits not less than \$5 nor more than \$20, to be recovered on complaint. No person, without right, shall loiter or remain or place or cause to be placed any property or obstruction on the right-of-way of a railroad corporation, or on land owned by a railroad corporation adjoining or adjacent to its right-of-way, or, without right, shall board or attempt to board or remain on any railroad freight train, freight car, caboose, locomotive or work equipment; any person violating any provision of this portion of this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 46, § 8; 1961, c. 395, § 24.

## SUBCHAPTER II

### POLICE REGULATIONS AT STATIONS

Sec.

931. Loitering about or soliciting passengers.

932. Law posted.

#### § 931. Loitering about or soliciting passengers

No person shall loiter or remain, without right, within any car or station house of a railroad corporation or steamboat, or upon the platform or grounds adjoining such station after being requested to leave the same by any railroad officer, or officer or agent of such steamboat. No person or driver or owner of any automobile or other vehicle shall solicit passengers in any station or on the station grounds or wharves of any railroad corporation or steamboat corporation in competition with such railroad corporation or steamboat corporation, without a written permit signed by an officer of such corporation authorized to issue the same. Whoever violates any provision of this section shall be punished by a fine of not more than \$100.

R.S.1954, c. 46, § 9.

#### § 932. Law posted

The officers of all railroad corporations and steamboat companies shall cause a copy of section 931 to be posted in a conspicuous place at the several stations along the line of their roads and route of their steamboats.

R.S.1954, c. 46, § 10.

**SUBCHAPTER III**  
**TRANSPORTATION**

Sec.

- 961. Intersecting roads.
- 962. Trains crossing at same hour; exchange of baggage.
- 963. Equal facilities to all expresses.
- 964. Change of track location; refusal to operate.
- 965. Failure to run trains; order of notice; hearing; receivers.
- 966. Notice of appointment of receivers; powers and duties.
- 967. Loans for repairs; lien for loan payment.
- 968. Railroad restored to corporation.
- 969. Amount due receivers.
- 970. Vacancies in office of receivers.
- 971. Questions of law.

**§ 961. Intersecting roads**

Railroads intersecting or crossing each other shall be deemed, for all business purposes, connecting roads.

R.S.1954, c. 46, § 11.

**§ 962. Trains crossing at same hour; exchange of baggage**

When railroads cross each other and passenger trains are due at the crossing at the same hour, the train first arriving shall wait for the arrival of the other, if it comes within 20 minutes. Each shall afford suitable opportunity for passengers desiring to change with their baggage from one train to the other. The superintendent, conductor and engineer of the road violating this provision forfeits to the State for each offense not less than \$10 nor more than \$50, to be recovered on complaint or by indictment.

R.S.1954, c. 46, § 12.

**§ 963. Equal facilities to all expresses**

Every railroad operating in the State shall furnish reasonable and equal facilities and accommodations to all persons engaged in express business for transportation of themselves, agents, servants, merchandise and other property; for the use of their stations, buildings and grounds, and for exchanges at points of junction with other roads, under a penalty of not more than

\$500, to be recovered by indictment; and are liable to the aggrieved party in a civil action for damages.

R.S.1954, c. 46, § 13; 1961, c. 317, § 105.

### **§ 964. Change of track location; refusal to operate**

No railroad having established its business upon a line shall substantially deviate from the track as originally built without the consent of the Legislature or the Public Utilities Commission and no railroad having established its business shall cease to run its trains and operate its roads so long as said railroad company pays dividends to its stockholders from its earnings. This section does not permit any railroad company to cease operating its road or running its trains.

R.S.1954, c. 46, § 14.

### **§ 965. Failure to run trains; order of notice; hearing; receivers**

Whenever any railroad corporation, after commencing to receive tolls, neglects or refuses regularly to run trains upon and to operate its road for the transportation of passengers and freight for 60 days at any one time, the Public Utilities Commission, or any 10 citizens residing in any county through which said railroad extends, may file a complaint with the Superior Court in any county through which such railroad extends, setting forth therein such neglect and refusal so to run trains and operate its road; which complaint, before filing in court, may be presented to any justice thereof who shall order not less than 14 days' notice thereon to be served on such corporation. The plaintiffs shall give written notice to the Attorney General or the county attorney of the county in which said complaint is filed, of the filing thereof, one of whom shall appear and take charge of proceedings in court. The court shall appoint a hearing, and at or after said hearing, if the allegations in such complaint are found to be true, and if in its opinion public necessity and convenience require it, the court shall appoint some suitable person or persons or some other railroad corporation, a receiver or receivers, to take possession and control of said railroad, together with all corporation property belonging thereto, and shall require such receivers to give bond to said corporation in a reasonable sum, with sureties satisfactory to the court, for the faithful discharge of their trust and shall determine their compensation.

R.S.1954, c. 46, § 15; 1961, c. 317, § 106.

**§ 966. Notice of appointment of receivers; powers and duties**

The receiver or receivers appointed under section 965 immediately after giving the required bond shall give notice of their appointment by publishing the same 3 weeks successively in one newspaper printed in each county through which said railroad extends, and shall immediately take possession and control of said railroad and all its rolling stock and stations, together with all appendages belonging to the same and necessary for the convenient use thereof, and shall diligently proceed to repair and refurnish said railroad, its rolling stock and other appendages, and operate the same for the accommodation of the public. Said receivers have the same authority to demand and receive tolls and otherwise manage said railroad, and are subject to the same restrictions as are conferred and enjoined by the charter of said railroad upon its original corporators, and as may be provided by law.

R.S.1954, c. 46, § 16.

**§ 967. Loans for repairs; lien for loan payment**

If said railroad, its track, bridges, rolling stock and other appendages shall be found to be too much out of repair or its rolling stock and other appendages insufficient in amount to admit of safely or successfully operating the same, and the earnings are not sufficient to repair said railroad, its track, bridges, rolling stock and other appendages, or to rebuild or refurnish the same, said receivers may raise, by loan, a sufficient sum of money, not exceeding \$5,000 a mile, so to repair, rebuild or refurnish said railroad, its tracks, bridges, rolling stock and other appendages, said loan to bear a reasonable rate of interest, not exceeding 8% a year, payable semiannually, and the principal payable within 20 years. A lien is created on the franchise and all the property, real and personal, road, roadbed, track, stations, buildings and equipment, pertaining to and constituting said railroad, for the payment of the principal and interest thereof. Said loan, secured by such lien, takes precedence of all mortgages, bonds, stock or other title or claim of indebtedness of any kind whatsoever, then existing or thereafter created on said railroad.

R.S.1954, c. 46, § 17.

**§ 968. Railroad restored to corporation**

Any Justice of the Superior Court sitting in the county where the original complaint was filed, on complaint of said rail-

road corporation or its owners, and after reasonable notice to such receivers, may revoke their authority and restore the possession and control of said railroad to said corporation or its owners, upon their paying the principal and interest of the loan then existing, together with the sum due said receivers for their personal services, with all the expenses incurred in operating and repairing said railroad and its appendages during their continuance in their said capacity, over and above the earnings thereof, provided said railroad corporation or its owners give bond to the State in such sum as the court orders, with sureties satisfactory to the court, conditioned that said corporation or its owners thus seeking to receive possession shall operate and keep in repair said railroad, its rolling stock and other appendages to the satisfaction of the Public Utilities Commission for 5 years following said order.

R.S.1954, c. 46, § 18; 1961, c. 317, § 107.

#### **§ 969. Amount due receivers**

If said receivers and said railroad corporation or owners are unable to agree upon the amount due said receivers from said corporation or its owners, the question shall be referred by order of court to the determination of the Public Utilities Commission, whose decision made to said court and accepted shall be final in the premises, and in no case shall said corporation or its owners receive possession and control of said railroad until said receivers are paid or tendered the full amount due them, except by their written consent.

R.S.1954, c. 46, § 19.

#### **§ 970. Vacancies in office of receivers**

The court may fill all vacancies in said office of receiver, and at the time of appointing said receivers or at any subsequent time during their continuing in said capacity may issue all orders or decrees necessary to aid them in the full and faithful discharge of their said trust and cause the same to be promptly enforced.

R.S.1954, c. 46, § 20.

#### **§ 971. Questions of law**

Questions of law arising under sections 965 to 970 shall, on motion of either party, be at once certified by the presiding justice and transmitted to the Chief Justice, be argued in writing by both sides within 30 days thereafter, be considered and de-

cided by the Justices of the Supreme Judicial Court as soon as may be, and the decision thereon shall be certified to the clerk of the judicial court of the county where the case is pending, and judgment made up as of the term next preceding the time of receiving the certificate.

R.S.1954, c. 46, § 21.

#### **SUBCHAPTER IV**

### **FENCES AND TRESPASSES ON LANDS ADJOINING**

Sec.

- 1001. Fences; liability for injuries.
- 1002. Line fences built on notice of abutter.
- 1003. Injuring fences or turning animals into railroad enclosure.
- 1004. Company liable for trespasses on adjoining land.

#### **§ 1001. Fences; liability for injuries**

Where a railroad passes through enclosed or improved land, or woodlots belonging to a farm, legal and sufficient fences shall be made on each side of the land taken therefor, before the construction of the road is commenced, and such fences shall be maintained and kept in good repair by the corporation. For any neglect of such duty during the construction of the road, and for injuries thereby occasioned by its servants, agents or contractors, the directors are jointly and severally personally liable. For any subsequent neglect, the corporation shall be fined a sum sufficient to make or repair the fence, to be recovered by indictment and expended by an agent appointed by the court therefor.

R.S.1954, c. 46, § 22.

#### **§ 1002. Line fences built on notice of abutter**

The owner of any enclosed or improved land or woodlot belonging to a farm abutting upon any railroad, which is finished and in operation, may at any time between the 20th day of April and the end of October give written notice to the president, treasurer or any of the directors of the corporation owning, controlling or operating such railroad that the line fence against his land has not been built, or if built, that the same is defective and needs repair. If said corporation neglects to build or repair such fence for 30 days after receiving such notice, it forfeits to such owner \$100, to be recovered in a civil action.

R.S.1954, c. 46, § 23; 1961, c. 317, § 108.

**§ 1003. Injuring fences or turning animals into railroad enclosure**

Whoever takes down or intentionally injures any fence erected to protect the line of any railroad or turns any horse, cattle or other animal upon or within the enclosure of such railroad shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not less than 10 days nor more than 6 months.

R.S.1954, c. 46, § 24.

**§ 1004. Company liable for trespasses on adjoining land**

The corporation is liable for trespasses and injuries to lands and buildings adjoining or in the vicinity of its road, committed by a person in its employment or occasioned by its order, if the party injured within 60 days thereafter gives notice thereof to the corporation; but its liability does not extend to acts of willful and malicious trespass. The person committing a trespass is also liable.

R.S.1954, c. 46, § 25.

**SUBCHAPTER V****JUDGMENTS AGAINST ROAD LEASED BY  
FOREIGN CORPORATION**

Sec.

1031. Collection of judgment against foreign lessee.

1032. Judgment creditor may have remedy against lessors.

**§ 1031. Collection of judgment against foreign lessee**

When any foreign railroad company, which is or has been doing business in this State as the lessee of any railroad, refuses or neglects for 60 days after demand to pay and discharge any judgment recovered by any person against the company owning such leased road for damages to the property of such person by the doings, misdoings or neglects of such foreign company, its agents or servants, which judgment belongs to such foreign company to pay and discharge, the Superior Court, on complaint, may compel payment thereof by such foreign corporation and make, pass and enforce all necessary orders, decrees and processes for the purpose.

R.S.1954, c. 46, § 26; 1961, c. 317, § 109.

**§ 1032. Judgment creditor may have remedy against lessors**

When any such judgment is recovered and such foreign company neglects, for 60 days, to satisfy it, the judgment creditor may have a civil action against such foreign company for the recovery of the amount of such judgment, with interest and costs.

R.S.1954, c. 46, § 27; 1961, c. 317, § 110.

**SUBCHAPTER VI****SHARES, COUPONS AND MORTGAGES**

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1062. Rights of coupon holders.

1063. Trustees, vacancies; elections affirmed; decrees enforced.

1064. Breach of mortgage; meeting of bondholders.

1065. One vote for every \$100 of bonds.

1066. Trustees taking possession, have corporate powers.

1067. Receipts and expenditures; trustees not liable; road surrendered.

1068. Bondholders' meetings; reports; compensation and instructions for trustees.

**§ 1061. Shares**

Shares in the capital of such corporations are personal estate and may be transferred in the same manner and with the same rights as shares in other corporations are transferred.

R.S.1954, c. 46, § 28.

**§ 1062. Rights of coupon holders**

When coupons for interest issued with bonds are, for a valuable consideration, detached and assigned by delivery, the assignee may maintain a civil action upon them in his own name against the corporation engaging to pay them.

R.S.1954, c. 46, § 29; 1961, c. 317, § 111.

**§ 1063. Trustees, vacancies; elections affirmed; decrees enforced**

When a railroad corporation mortgages its franchise for the payment of its bonds or coupons and trustees are appointed by such corporation, by special law or by the mortgage, the bond-

holders, at a regular meeting called for the purpose and notified as provided may, from time to time, elect by ballot new trustees to fill vacancies, when no other method for filling vacancies is specifically provided in the appointment, special law or mortgage. Any party interested may present the proceedings of such meeting to the Superior Court. The court shall appoint a time of hearing and order such notice to parties interested as it deems proper, and may affirm such elections and make and enforce any decrees necessary for the transfer of the trust property to the new trustees. Such decrees shall be filed with the clerk of the judicial court where the hearing is had and be recorded by him.

R.S.1954, c. 46, § 30; 1961, c. 317, § 112.

#### **§ 1064. Breach of mortgage; meeting of bondholders**

The neglect of the corporation to pay any overdue bonds or coupons secured by such mortgage, for 90 days after presentment and demand on the treasurer or president thereof, is a breach of the conditions of the mortgage. Thereupon the trustees shall call a meeting of the bondholders, by publishing the time and place thereof for 3 weeks successively in the state paper and in some paper in the county where the road lies, the last publication to be one week at least before the time of the meeting.

R.S.1954, c. 46, § 31.

#### **§ 1065. One vote for every \$100 of bonds**

At such meeting and all others, each bondholder present shall have one vote for each \$100 of bonds held by him or represented by proxy. They may organize by the choice of a moderator and clerk and determine whether the trustees shall take possession of such road and manage and operate it in their behalf.

R.S.1954, c. 46, § 32.

#### **§ 1066. Trustees taking possession, have corporate powers**

If the bondholders so determine, the trustees shall take possession of such road and all other property covered by the mortgage, and have all the rights and powers and be subject to all the obligations of the directors and corporation of such road, and may prosecute and defend suits in their own name as trustees.

R.S.1954, c. 46, § 33.

**§ 1067. Receipts and expenditures; trustees not liable; road surrendered**

The trustees shall keep an accurate account of the receipts and expenditures of such road and exhibit it, on request, to any officer of the corporation or other person interested. They shall, from the receipts, keep the road, buildings and equipment in repair, furnish such new rolling stock as is necessary and the balance, after paying running expenses, shall be applied to the payment of any damages arising from misfeasance in the management of the road, and after that according to the rights of parties under the mortgage. They are not personally liable except for malfeasance or fraud. When all overdue bonds and coupons secured by the mortgage are paid, they shall surrender the road and other property to the parties entitled thereto.

R.S.1954, c. 46, § 34.

**§ 1068. Bondholders' meetings; reports; compensation and instructions for trustees**

The trustees shall annually, and at other times on written request of  $\frac{1}{5}$  of the bondholders in amount, call a meeting of the bondholders in the manner prescribed in the bylaws of the corporation for calling a meeting of stockholders, and report to them the state of the property, the receipts, expenses and the application of the funds. At such meeting, the bondholders may fix the compensation of the trustees; instruct them to contract with the directors of the corporation or other competent party to operate said road while the trustees have the right of possession, if approved by the bondholders at a regular meeting, otherwise not exceeding 2 years, and to pay them the net earnings thereof; or may give them any other instruction that they deem advisable; and the trustees shall conform thereto, unless inconsistent with the terms of the trust.

R.S.1954, c. 46, § 35.

**SUBCHAPTER VII****FORECLOSURE AND REDEMPTION OF MORTGAGES**

Sec.

1091. Railroad mortgages foreclosed.

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1093. Secured creditors become corporation and trustees shall convey to it.

## Sec.

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- 1101. Delinquents pay proportion and rights restored; new corporation.
- 1102. Redemption by stockholders of old corporation.
- 1103. Noncontributors; notice; rights.
- 1104. Extension of redemption time after foreclosure commenced.

**§ 1091. Railroad mortgages foreclosed**

The trustees, on application of  $\frac{1}{3}$  of the bondholders in amount to have such mortgage foreclosed, shall immediately give notice thereof, by publishing it 3 weeks successively in the state paper and in some paper, if any, in each county into which the road extends, therein stating the date and conditions of the mortgage, the claims of the applicants under it, that the conditions thereof have been broken, and that for that reason they claim a foreclosure. They shall cause a copy of such notice and the name and date of each newspaper containing it to be recorded in the registry of deeds in every such county within 60 days from the first publication. Unless, within 3 years from the first publication, the mortgage is redeemed by the mortgagors or those claiming under them, or equitable relief as in cases of the redemption of mortgage lands is sought, founded on payment or a legal tender of the amount of overdue bonds and coupons, or containing an averment that the complainants are ready and willing to redeem on the rendering of an account, the right of redemption shall be forever foreclosed.

R.S.1954, c. 46, § 36; 1961, c. 317, § 113.

**§ 1092. Overdue bonds and coupons for record**

Each holder of overdue bonds or coupons shall present them to the trustees at least 30 days before the right of redemption expires, to be by them recorded. Such right is not lost by the nonpayment of any claims not so presented. The parties having the

right to redeem shall have free access to the record of such claims.

R.S.1954, c. 46, § 37.

**§ 1093. Secured creditors become corporation and trustees shall convey to it**

The foreclosure of the mortgage shall inure to the benefit of all the holders of bonds, coupons and other claims secured thereby. They, their successors and assigns are constituted a corporation as of the date of the foreclosure, for all the purposes and with all the rights and powers, duties and obligations of the original corporation by its charter. The trustees shall convey to such new corporation by deeds all the right, title and interest which they had by the mortgage and the foreclosure thereof, and thereupon they shall be discharged. If they neglect or refuse so to convey, the court, on application for equitable relief, may compel them to do so.

R.S.1954, c. 46, § 38; 1961, c. 317, § 114.

**§ 1094. First meeting of new corporation; name; possession and use of mortgaged property**

The new corporation may call its first meeting in the manner provided for calling the first meeting of the original corporation, and may use therefor the old name, or by a notice, signed by one or more of said bondholders, setting forth the time, place and purpose of the meeting, a copy of which is to be published in a newspaper, in the county, if any, otherwise in the state paper, 7 days before the meeting; but, at that meeting, it may adopt a new name by which it shall always thereafter be known. It may take and hold the possession and have the use of the mortgaged property, although an action for equitable relief to redeem is pending, and it may become a party defendant to such action. This section applies to all corporations mentioned in section 1135.

R.S.1954, c. 46, § 39; 1961, c. 317, § 115.

**§ 1095. Vote to redeem prior mortgage and assessments**

If any part of such property or franchise is subject to a prior mortgage, such new corporation, at a legal meeting called for that purpose, may vote to redeem the same and make an assessment therefor on all holders of stock, certificates for fractions of stock, bonds or coupons in such corporation in proportion to

their amounts. The directors shall immediately assess such sum and fix a time and place for the payment thereof to the treasurer, who shall publish notice accordingly 6 weeks successively in some newspaper, if any, in each of the counties where the road extends, the last publication to be 2 weeks at least before the time fixed for payment.

R.S.1954, c. 46, § 40.

**§ 1096. Sale of stock for nonpayment; rights of delinquent stockholders**

If any person fails to pay his assessment within the time fixed, the treasurer shall sell enough of his stock at auction to pay the same, with 12% interest and the cost of advertising and selling, by first publishing notice of such sale 3 weeks successively in a newspaper printed in the county where the sale is to be, if any, and if not, in an adjoining county. Thereupon the president and treasurer shall issue a new certificate of stock to the purchaser, and the delinquent stockholder shall surrender his certificate to be canceled and may have a new one for his unsold shares. If he held bonds, coupons or certificates for fractions of stock, he shall not be entitled to commute them or to receive any dividends thereon until he has paid his assessment, with 12% interest.

R.S.1954, c. 46, § 41.

**§ 1097. Application of funds**

The directors shall apply the money realized from such assessments solely to the redemption of such prior mortgage until it is fully paid, and then all the property, rights and interests secured thereby vest in such new corporation.

R.S.1954, c. 46, § 42.

**§ 1098. Redemption of prior mortgages by junior mortgages**

When a subsequent mortgage of a railroad, its franchise or any part of its other property contains no provision for a sale, or contains a conditional provision depending on the application of a majority in amount of the claims secured thereby and no such application has been made to the trustees, the holder of such mortgage may redeem a prior mortgage on the same property which is under process of foreclosure at any time before it

becomes absolute; and hold it in trust for those who contributed thereto in proportion to the amount paid by each.

R.S.1954, c. 46, § 43.

**§ 1099. Meeting regarding redemption of prior mortgages; contribution**

For such purpose, the trustees of such subsequent mortgage, on application of one or more persons interested therein, made 6 months prior to the absolute foreclosure of such prior mortgage and on payment of reasonable expenses to be incurred thereby, shall call a meeting of all interested and publish a notice thereof, stating the time, place and purpose, 3 weeks successively in the state paper and such other papers as they think proper. If at such meeting, or one called by the trustees without application, the holders of a majority of the interests there represented vote to redeem the prior mortgage, each one may contribute his proportion thereto. The trustees shall give immediate notice of such vote by publishing it as above, and shall therein state the time and place of payment and the amount to be paid on each \$100 as nearly as may be. If anyone fails to pay his proportion, any other person interested in said subsequent mortgage may pay it and succeed to all his rights except as otherwise provided.

R.S.1954, c. 46, § 44.

**§ 1100. Anyone interested in subsequent mortgage may redeem**

If no such meeting is called or it is voted not to redeem, one or more of the persons interested in such subsequent mortgage may pay to the trustees thereof the amount required to redeem the prior mortgage, and such trustees shall redeem it accordingly and then hold it in trust for the person so paying.

R.S.1954, c. 46, § 45.

**§ 1101. Delinquents pay proportion and rights restored; new corporation**

When a prior mortgage has been redeemed in either mode, and all persons interested in the subsequent mortgage have not paid their proportions thereof, the trustees shall publish a notice 10 weeks successively in the state paper, the first publication not to be until the right of redeeming the prior mortgage would have expired, that delinquents may pay the same to them or their

agents, with 12% interest, within one year from the first publication of said notice. Any person so paying has the same rights as if he had paid originally, and those not so paying are barred. Money so paid shall be divided ratably to those who advanced the redemption money, and they may become a new corporation and new certificates of stock or fractions of stock may be issued in the manner and with the rights, powers and obligations provided.

R.S.1954, c. 46, § 46.

### **§ 1102. Redemption by stockholders of old corporation**

When a prior mortgage is thus redeemed, any number of the stockholders of the old corporation may redeem it within 2 years thereafter by paying to the trustees of such subsequent mortgage the amount paid therefor, with 10% interest, and the amount secured by the subsequent mortgage due to those who had contributed to redeem the prior mortgage, after deducting the net earnings of said road or adding the net deficiencies, if operated by the trustees of the subsequent mortgage. Said stockholders may demand of said trustees an accurate account of the receipts and expenditures and amount due on the mortgage and have the same remedies for a failure as in case of mortgages of real estate. After such redemption, the redeeming stockholders have all the rights of those from whom they redeemed.

R.S.1954, c. 46, § 47.

### **§ 1103. Noncontributors; notice; rights**

The stockholders, redeeming, shall give notice to the stockholders who have not contributed thereto; and the latter shall have the same rights as provided in the case of bondholders.

R.S.1954, c. 46, § 48.

### **§ 1104. Extension of redemption time after foreclosure commenced**

The persons interested in a prior mortgage on which a foreclosure is commenced, at a meeting called for the purpose, may extend the time of redemption. Thereupon the trustees of such mortgage, by a suitable writing, delivered to the party entitled to redeem, shall extend the time accordingly.

R.S.1954, c. 46, § 49.

**SUBCHAPTER VIII****RIGHTS OF PURCHASERS UNDER SALE**

Sec.

- 1131. Purchasers at sale have rights of original corporation; redemption.
- 1132. Succession to rights and obligations of original corporation.
- 1133. Original corporation continues, to close business, and for actions.
- 1134. Courts have jurisdiction of all disputes.
- 1135. Application of provisions to mortgages of corporations given to trustees, as if legally foreclosed.
- 1136. Holders of unpaid scrip and bonds may foreclose mortgages.
- 1137. Capital stock of new corporation; value of shares; no further assessment.
- 1138. Organization certificate filed with Secretary of State; if railroad corporation, with Public Utilities Commission.
- 1139. New corporation may buy right of redemption.
- 1140. When franchise lost, action for dissolution.

**§ 1131. Purchasers at sale have rights of original corporation; redemption**

When the franchise of a railroad and its road, wholly or partly constructed, or the right of redeeming the same from a mortgage thereof, are sold by a decree of court by a power of sale in a mortgage thereof, or on execution, the purchasers have all the rights, powers and obligations of the corporation, under its charter, and may form a new corporation in the manner provided. If the original corporation or those claiming under it have a right to redeem, they may do so in the manner provided for the redemption of mortgaged real estate, but shall pay, in addition to the amount of the sale and interest, the reasonable expenditures made by the new corporation in completing, repairing and equipping said road, and in the purchase of necessary property therefor, after deducting the net earnings thereof.

R.S.1954, c. 46, § 50.

**§ 1132. Succession to rights and obligations of original corporation**

The trustees of bondholders or other parties under contract with them operating a railroad and all corporations formed in the modes provided have the same rights, powers and obligations

as the old corporation had by its charter and the general laws. All said rights and privileges are subject to amendment, alteration or repeal by the Legislature and to all the general laws concerning railroads, notwithstanding anything to the contrary in the original charter.

R.S.1954, c. 46, § 51.

**§ 1133. Original corporation continues, to close business, and for actions**

The original corporation shall exist, after the foreclosure of the mortgage, for the sole purpose of closing its unsettled business, and the right of action against it or its stockholders is not thereby impaired; but in actions founded on any of the bonds or coupons secured by the mortgage, the proportional actual value of the property taken under the mortgage shall be deducted.

R.S.1954, c. 46, § 52.

**§ 1134. Courts have jurisdiction of all disputes**

The Supreme Judicial Court and the Superior Court, in addition to the jurisdiction specifically conferred by this chapter, have jurisdiction of all other matters in dispute, arising under this chapter relating to trustees, mortgages and the redemption and foreclosure of mortgages; but not to take away any rights or remedies that any party has and may elect to enforce by any civil action. In all proceedings relating to trustees or to mortgages, their foreclosure and redemption, not otherwise specifically provided for the law relating to trusts and mortgages of real estate may be applied.

R.S.1954, c. 46, § 53; 1961, c. 317, § 116.

**§ 1135. Application of provisions to mortgages of corporations given to trustees, as if legally foreclosed**

Sections 1063 to 1134 apply to and include all mortgages of franchises, lands, property, hereditaments and rights of property of every kind whatever, whether heretofore given or hereafter to be given by any corporation to trustees, to secure the payment of scrip or bonds of said corporation, in all cases in which the principal of said scrip or bonds has been due and payable for more than 3 years, and remains unpaid in whole or in part, or on which no interest has been paid for more than 3 years, in the same way and to the same extent as if the mortgage had been le-

gally foreclosed, subject to all rights of redemption, as provided in section 1095. The holders of said scrip or bonds shall have the benefit of said sections and all the rights and powers of the corporation under its charter, and may form a new corporation in the manner provided in this chapter whenever the holders of such scrip or bonds to an amount exceeding  $\frac{1}{2}$  of the same so elect in writing. Any subsequent foreclosure, in any method provided by law, of the mortgage given to secure such bonds or scrip, shall inure at once for the benefit of such corporation, and vest therein the title acquired by such foreclosure.

R.S.1954, c. 46, § 54.

**§ 1136. Holders of unpaid scrip and bonds may foreclose mortgages**

A corporation formed by the holders of such scrip or bonds, or if no such corporation has been formed, the holders of not less than a majority of such scrip or bonds, may commence a civil action to foreclose such mortgage, and the court may decree a foreclosure thereof, unless the arrears are paid within such time as the court orders.

R.S.1954, c. 46, § 55; 1961, c. 317, § 117.

**§ 1137. Capital stock of new corporation; value of shares; no further assessment**

The capital stock of such new corporation shall be equal to the amount of unpaid bonds and overdue coupons secured by such mortgage, taken at their face value at the time of the organization of the new corporation, together with the amount required to redeem any prior mortgage, and shall be divided into shares of \$100 each. All stock issued shall be taken and considered as paid for in full, and shall not be liable to further assessment. No person, taking or holding the same, shall by reason thereof be liable for the debts of such corporation.

R.S.1954, c. 46, § 56.

**§ 1138. Organization certificate filed with Secretary of State; if railroad corporation, with Public Utilities Commission**

Whenever a corporation is organized under section 1093, 1131 or 1135, or under any other law by which a return is not spe-

cifically required, such corporation shall file with the Secretary of State and, if a railroad corporation, also with the Public Utilities Commission, a certificate signed and sworn to by the president, treasurer and a majority of the directors of such corporation, therein setting forth the name of the corporation and all facts as to such organization which are necessary to give full information in relation thereto. The organization of such corporation shall date from, and it shall have the authority and rights of a corporation, only after filing said certificate.

R.S.1954, c. 46, § 57.

### **§ 1139. New corporation may buy right of redemption**

Any corporation formed under this chapter by the holders of railroad bonds may acquire, by purchase, the right of redemption under the mortgage securing such bonds.

R.S.1954, c. 46, § 58.

### **§ 1140. When franchise lost, action for dissolution**

Whenever any railroad corporation, by foreclosure of a mortgage or in any other method authorized by law, has finally parted with its franchise to construct, operate and maintain the railroad described in its charter, any stockholder may maintain a civil action in the Superior Court for the winding up of the affairs and dissolution of such corporation. In such case the court shall order such notice to all parties interested as it may deem proper and proceed according to the usual course of such civil actions; but no trustee shall be appointed, except upon motion of some party to the proceedings, and then only in the discretion of the court.

R.S.1954, c. 46, § 59; 1961, c. 317, § 118.

## **SUBCHAPTER IX**

### **SAFETY PROVISIONS**

Sec.

1161. Brakemen.

1162. Danger signals, where disconnected cars left on track; penalty.

1163. Railroad liable for damages from locomotive fire; entitled to benefit of any insurance.

1164. Intoxication of railroad employees on duty.

Sec.

- 1165. Negligence of employees.
- 1166. No liability for death of person walking on road.
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- 1168. Posting of law.
- 1169. Stranger entering or leaving moving train; liability of corporation not affected.
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- 1184. Automatic signals; exemptions.
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- 1193. Interference with performance of duty.
- 1194. Orders of commission.
- 1195. Applicability to all railroads.
- 1196. Railroad company may enter private property.
- 1197. Diesels or diesel-electric may not operate in reverse or back-up position.

### **§ 1161. Brakemen**

No train of passenger cars, moved by steam, shall be run without one trusty and skillful brakeman to every 2 cars.

R.S.1954, c. 46, § 60.

**§ 1162. Danger signals, where disconnected cars left on track; penalty**

No car disconnected from a train shall be left or permitted to remain standing on the main track of any railroad, unless accompanied by danger signals, such as flagging by day and lanterns by night, placed at such distances from such obstruction on the main line of the road as will insure safety to and from moving trains. Such signals shall be in charge of and constantly attended by employees of the corporation owning or operating the road.

A railroad corporation violating any provision of this section forfeits for each offense, \$100 to the State, to be recovered in a civil action or by complaint and indictment; and the Attorney General shall prosecute therefor.

R.S.1954, c. 46, §§ 61, 62; 1961, c. 317, § 119; c. 417, § 133.

**§ 1163. Railroad liable for damages from locomotive fire; entitled to benefit of any insurance**

When a building or other property is injured by fire communicated by a locomotive engine, the corporation using it is responsible for such injury, and it has an insurable interest in the property along the route for which it is responsible, and may procure insurance thereon. Such corporation shall be entitled to the benefit of any insurance upon such property effected by the owner thereof less the premium and expense of recovery. The insurance shall be deducted from the damages, if recovered before the damages are assessed or, if not, the policy shall be assigned to such corporation which may maintain an action thereon, or prosecute, at its own expense, any action already commenced by the insured, in either case with all the rights which the insured originally had.

R.S.1954, c. 46, § 63.

**§ 1164. Intoxication of railroad employees on duty**

Whoever, having charge of a locomotive engine or acting as conductor, brakeman, motorman or switchman, is intoxicated while employed on a railroad shall be punished by a fine of not more than \$100 or by imprisonment for not more than 6 months.

R.S.1954, c. 46, § 64.

**§ 1165. Negligence of employees**

Any person employed in conducting trains, who is guilty of negligence or carelessness causing an injury, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months; but the corporation employing him is not thereby exempt from responsibility.

R.S.1954, c. 46, § 65.

**§ 1166. No liability for death of person walking on road**

No railroad corporation shall be liable for the death of a person walking or being on its road contrary to law or to its valid rules and regulations.

R.S.1954, c. 46, § 66.

**§ 1167. Penalty for being on track or bridge or entering track with team**

Whoever, without right, stands or walks on a railroad track or bridge or passes over such bridge except by railroad conveyance forfeits not less than \$5 nor more than \$20, to be recovered by complaint. Whoever, without right, enters upon any railroad track with any team, or any vehicle however propelled or drives any team or propels any vehicle upon any railroad track shall be punished by fine of not less than \$50 or by imprisonment for not less than 30 days.

R.S.1954, c. 46, § 67.

**§ 1168. Posting of law**

A printed copy of section 1167 shall be kept posted in a conspicuous place in every railroad passenger station; for neglect thereof, the corporation forfeits not more than \$100 for every offense.

R.S.1954, c. 46, § 68.

**§ 1169. Stranger entering or leaving moving train; liability of corporation not affected**

Any person, other than a servant or employee of the road, or a passenger holding a ticket for a passage over the same, or mail agent or expressman, who gets upon or leaves any steam engine, tender or car at any place outside of a railroad station while such engine, tender or car is in motion, shall be punished by

a fine of not more than \$10 or by imprisonment for not more than 30 days. This provision does not affect the liability of any railroad corporation for injuries or damages caused by the fault or negligence of the corporation or its servants.

R.S.1954, c. 46, § 69.

**§ 1170. Disorderly conduct on any public conveyance**

Any person in a state of intoxication and not in the custody of an officer who enters or remains in or on or loiters about the rolling stock, stations, station grounds, waiting rooms, platforms or yards of any steam railroad, bus or other public transportation system or the right-of-way, bridges or tracks of any steam railroad or the boats, wharves or ships of any steamboat or ferry company, and any person who behaves in a disorderly or riotous manner or drinks intoxicating liquors or uses indecent or profane language in any such place, car, vehicle or boat is guilty of a breach of the peace and shall be punished by a fine of not less than \$5 nor more than \$500, or by imprisonment for not less than 30 days nor more than 11 months, in addition to any other penalty provided by law.

R.S.1954, c. 46, § 70; 1961, c. 395, § 25.

**§ 1171. Ejection of strangers; arrests**

Any person or persons in charge of the property mentioned in section 1170 and any person or persons thereunto authorized or called upon by such person or persons in charge of said property may refuse to permit any person in a state of intoxication and not in the custody of an officer to enter said premises or property and may eject in a reasonable manner and at reasonable places any person found violating section 1170 and may arrest and temporarily hold any person found violating section 1170 until a warrant can be obtained or he can be placed in the custody of the proper officers of the law. It shall be the duty of every sheriff, deputy sheriff, constable, city or deputy marshal or police officer to arrest and detain, until a legal warrant can be obtained, any person found violating section 1170.

R.S.1954, c. 46, § 71.

**§ 1172. Size and construction of caboose cars; penalty**

Except as otherwise provided in section 1173 no common carrier by railroad shall use on its lines any caboose car, or other car used for like purposes, unless such caboose or other car shall

be at least 29 feet in length, exclusive of platforms, and equipped with 2 four-wheel trucks and shall be of constructive strength equal, at least, to that of the 20-ton capacity freight-cars constructed according to master car-builder standards and shall be provided with a door in each end thereof and an outside platform across each end of said car. Each platform shall be not less than 24 inches in width and shall be equipped with proper guardrails, and with grab-irons and steps for the safety of persons getting on and off said car. The steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof, properly designed to prevent slipping from said step. Caboose cars shall be of standard height, with a cupola or with an observation compartment extending from each side of the car, and with necessary closets and windows.

Any common carrier who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500, for each offense, to be enforced on complaint or by indictment.

R.S.1954, c. 46, §§ 72, 74.

### **§ 1173. Application of provisions**

Section 1172 shall apply to any corporation, or to any person or persons, while engaged as common carriers in the transportation by standard gauge railroad of passengers or property within this State to which the regulative power of this State extends. Said section shall not apply to any railroad company operating less than 20 miles of single track, nor to caboose cars used between the following points, namely: between Waterville and Skowhegan; between Pittsfield and Hartland; between Burnham and Belfast; between Leeds Junction and Farmington; between Bangor and Bucksport; between Calais and Princeton; between Livermore Falls and Canton; and between Lewiston lower station and Bath, via Brunswick.

R.S.1954, c. 46, § 73.

### **§ 1174. Frogs and guardrails blocked for employee protection**

Every railroad corporation operating a railroad or part of a railroad in the State shall adjust, fill or block the frogs and guardrails on its track, with the exception of guardrails on bridges, in a manner satisfactory to the Public Utilities Commission,

so as to prevent the feet of employees from being caught therein. Any railroad corporation failing to do so shall be punished by a fine of not less than \$100 nor more than \$500.

R.S.1954, c. 46, § 75.

**§ 1175. 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.

**§ 1176. Method of heating cars approved**

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.1954, c. 46, §§ 76, 78; 1957, c. 397, § 31.

**§ 1177. Head and rear lights on cars**

Every person, firm or corporation operating or controlling any railroad running through or within the State shall equip each of its track motor cars used during the period from 30 minutes before sunset to 30 minutes after sunrise with a headlight of such construction and with sufficient candle power to render plainly visible at a distance of not less than 300 feet in advance of such track motor car, any track obstruction, landmark, warning sign or grade crossing, and shall equip such track motor car with a red rear light of such construction and with sufficient candle power as to be plainly visible at a distance of at least 300 feet. It shall be unlawful for any person, firm or corporation operating or controlling any railroad running through or within this State to operate or use any track motor car from 30 minutes before

sunset to 30 minutes after sunrise, which is not equipped with lights of the candle power, construction and utility described in this section.

Any person, firm or corporation operating or controlling any railroad running through or within this State using or permitting to be used on its line in this State a track motor car in violation of this section shall be liable to a penalty of \$100 for each violation, to be recovered in a suit or suits to be brought by the county attorney in the Superior Court of the county having jurisdiction in the locality where such violation occurred. Upon duly verified information being given him of such violation, such county attorney shall bring such suits.

R.S.1954, c. 46, § 79.

### **§ 1178. Speed limit at highway grade crossings**

The Public Utilities Commission 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, no engine or train shall be run over such crossings at a greater speed than that fixed by the commission 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.

R.S.1954, c. 46, § 80.

### **§ 1179. Safety switches and switch lights at every siding**

Every railroad company running express trains in this State shall place safety switches of an approved sort at every siding connecting with the main track. Switch lights shall be maintained throughout that portion of every railroad where trains are run after dark. The Public Utilities Commission shall have authority to relieve any railroad from the requirements of this section as to maintaining switch lights, upon proper petition therefor, after notice and hearing, and for good cause shown, to such extent as said commission shall deem consistent with public safety.

R.S.1954, c. 46, § 81.

### **§ 1180. Changing switch or lights**

Whoever, without authority, shall alter, change or in any manner interfere with any safety switch or switch lights on any

railroad shall be punished by a fine of not less than \$100 or by imprisonment for not less than 60 days.

R.S.1954, c. 46, § 82.

**§ 1181. Injuring or tampering with signals**

Whoever intentionally and without right injures, destroys or molests any signal of a railroad corporation, or any line, wire, post, lamp or other structure or mechanism used in connection with any signal on a railroad, or destroys or in any manner interferes with the proper working of any signal on a railroad, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 2 years.

R.S.1954, c. 46, § 83.

**§ 1182. Speed at crossings; signals to warn approaching trains**

When one railroad crosses another on the same grade, every engineman on both, when approaching the point of intersection with an engine with or without a train, shall stop his engine within 500 feet of such point and before reaching it and shall pass it at a rate not exceeding 8 miles an hour, except when from the condition of the track or train it shall be necessary to run at greater speed. In which case, the conductor or person in charge of the train shall station some person at said crossing, with a flag by day and a lantern by night, to warn trains approaching on the other road. When 2 or more crossings on the same road are within 400 feet of each other, one stop is sufficient. Any such engineman, conductor or person in charge of the train violating this provision forfeits, for each offense, \$100, and the corporation on whose road the offense is committed forfeits \$200.

R.S.1954, c. 46, § 84.

**§ 1183. Signals at crossings; signals for approaching trains; preference to passenger trains**

When railroads cross each other at grade, the parties operating the railroad last located there shall build and maintain a suitable signal station at such crossing, at which a competent signal officer shall be kept at the joint expense of the parties operating the railroads. The signal shall not be set for a train to cross until the engine of such train shall have arrived within 500 feet of the intersection and stopped. No train or engine shall

cross the track of the other road until the proper signal for it to cross shall have been set in position by the signal officer. Only one train or engine shall be allowed to cross under one setting of the signal unless coming from opposite directions on the same railroad. When the signal has been set for the trains on one of the railroads, it shall not be changed until those trains shall have passed entirely over the crossing. When trains on both railroads approach the crossing at about the same time, preference shall be given to passenger trains and the signal shall be set for the trains on each road in alternate order.

R.S.1954, c. 46, § 85.

#### **§ 1184. Automatic signals; exemptions**

The Public Utilities Commission may, on the application of any railroad corporation whose road crosses another railroad at the same level, after due notice and hearing of the parties, authorize the applicant to establish and maintain a system of interlocking or automatic signals at any crossing of said roads, at its own expense, and erect and maintain the necessary wires, rods, signal posts and signals in such manner as the commission shall prescribe. When such system is established and has been approved in writing by said commission, the corporation establishing the same and its railroad shall be excepted, as to that crossing, from sections 1182 and 1183, so long as the Public Utilities Commission shall continue their approval.

R.S.1954, c. 46, § 86.

#### **§ 1185. Sharing of signal cost by other railroad; exemption**

Whenever, after the establishment and approval of such system of signals, the party owning or operating said other railroad at such crossing shall have paid to the corporation by which said signals were established such part of the cost for establishing the same as shall, after hearing on petition of the party owning or operating said other railroad, be awarded by the Public Utilities Commission, both railroads shall be excepted, as to that crossing, as provided in section 1184, from sections 1182 and 1183. Until such payment said other railroad corporation shall contribute toward the expense of operating said signals, in semi-annual payments, a sum equal to the cost to it of operating the signals used by it at said crossing before the establishment of the signals provided for. After payment of the award the expense of maintaining and operating the same shall be borne by the 2 rail-

road corporations according to the proportions fixed by the award for paying the original cost of the signals, and said award, so far as it relates to the cost of maintaining and operating said signals may, at the request of either party, be revised after an interval of 5 years from the original award or from the award next preceding such request.

R.S.1954, c. 46, § 87.

**§ 1186. Location of railroad near station of another company**

No railroad company shall construct or maintain a track, or run an engine or cars on a street or highway so near any station of another railroad as to endanger the safety and convenient access to and use of such station for ordinary station purposes.

R.S.1954, c. 46, § 88.

**§ 1187. Automatic signals; expense; definition**

The Public Utilities Commission is given authority to require each steam railroad company operating within this State to install, operate and maintain an automatic signal, gates or other protective device or to require a flagman to be stationed at any highway crossing within this State where, after reasonable notice and hearing, said commission shall decide that public safety requires such signal, gates or other protective device or flagman as a proper measure of protection. The expense of installing, operating and maintaining any such signal, gates or other protective device or of providing such flagman shall be borne by the corporation operating the railroad passing over the crossing to be protected, except that at crossings located on state and state aid highways the expense of installing such signal, gates or other protective device shall be apportioned between such corporation and the State in such proportions as said commission shall determine. Wherever the term "signal" or "automatic signal" is used in this chapter, the same shall be construed to be an appliance which gives warning of the approach of a train and which is either audible and visible by day and by night, or audible or visible as may be determined by the commission. This section shall not apply to railroads of less than standard gauge, nor to the Knox Railroad Company, formerly called Georges Valley Railroad Company.

R.S.1954, c. 46, § 89.

**§ 1188. Crossings 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.

R.S.1954, c. 46, § 90; 1955, c. 36, § 1.

**§ 1189. Obstructions ordered removed; notice**

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, and 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.1954, c. 46, § 91; 1955, c. 36, § 2; 1957, c. 6, § 1; 1959, c. 98, § 1.

**§ 1190. Expense of removal paid by municipality; partial state reimbursement**

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.1954, c. 46, § 92; 1957, c. 6, § 2; 1959, c. 98, § 2.

**§ 1191. Damages; municipality and State to share**

If any person claims damages on account of any act done under sections 1189 and 1190, he may, within 2 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 municipality and, after hearing, shall award such sum as seems proper as damages to be paid by the municipality wherein the property is located. Upon proper proof of any such payment, the Governor and Council shall cause  $\frac{1}{2}$  thereof to be paid by the State to such municipality.

R.S.1954, c. 46, § 93.

**§ 1192. Buildings not removed without owner's consent**

Nothing in sections 1188 to 1191 contained shall authorize the removal of any building without the consent of the owner thereof.

R.S.1954, c. 46, § 94.

**§ 1193. Interference with performance of duty**

Obstruction or interference with the performance of any act authorized or required in this chapter is declared to be a misdemeanor, and any person convicted of the same shall be punished by a fine of not more than \$20 or by imprisonment for not more than 30 days. Jurisdiction over each such offense is conferred on the District Court.

R.S.1954, c. 46, § 95; 1963, c. 402, § 89.

**§ 1194. Orders of commission**

All orders of the commission made under this chapter may be enforced in the manner provided in chapters 1 to 17. 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 this chapter are fully protected.

R.S.1954, c. 46, § 96; 1959, c. 317, § 20.

**§ 1195. Applicability to all railroads**

Except where otherwise expressly specified, sections 1187 to 1194 and section 1196 shall apply to all railroads operated by steam, electric, diesel-electric, diesel-motor, gasoline-electric or gasoline-motor power and engaged in the transportation of freight or passengers in standard railroad freight or passenger cars.

R.S.1954, c. 46, § 97.

**§ 1196. Railroad company may enter private property**

For the purpose of creating and maintaining the fair view mentioned in sections 1187 to 1195 or for the purpose of improving the view at one or more angles, any steam railroad company subject to this chapter 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 manner provided in chapter 51, and there shall be the same right of appeal as therein given.

R.S.1954, c. 46, § 98.

**§ 1197. Diesels or diesel-electric may not operate in reverse or back-up position**

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, while doing switching operations, while operating in turn-around service, and except where no facilities are available for turning such locomotives at the point of departure. Any railroad corporation violating this section shall be punished by a fine of \$100 for each violation.

1957, c. 324; 1961, c. 190.

SUBCHAPTER X

ADVERSE POSSESSION

Sec.

1221. No title to lands of railroads by adverse possession.

**§ 1221. No title to lands of railroads by adverse possession**

No title to any real estate or any interest therein shall be acquired against any railroad corporation by adverse possession, however exclusive or long continued.

R.S.1954, c. 46, § 103.

SUBCHAPTER XI

OPERATING REPORTS

Sec.

1251. Capital expenditures.

**§ 1251. Capital expenditures**

All railroads operating in this State shall file a report on or before May 1st of each year with the Department of Economic

**35 § 1251 PUBLIC UTILITIES & CARRIERS**

**Title 35**

Development stating capital expenditures made during the previous calendar year and specifying, with reasonable detail, the capital improvements made, including a description by type and use of new rolling stock and other equipment acquired.

1961, c. 368, § 3.