

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
112TH LEGISLATURE  
SECOND REGULAR SESSION

REVIEW OF STATUTES RELATED TO  
RAILROADS & IDENTIFICATION OF  
OUTDATED PROVISIONS

Report of a Study by the  
JOINT STANDING COMMITTEE ON  
TRANSPORTATION  
January, 1986

MEMBERS:

\*Sen. Charles G. Dow  
Sen. Edgar E. Erwin  
\*Sen. Melvin A. Shute  
\*Rep. Raynold Theriault  
Rep. Harold M. Macomber  
Rep. Fred W. Moholland  
\*Rep. Roger M. Pouliot  
Rep. Frederick F. Soucy  
Rep. Jeffery N. Mills  
\*Rep. Donald A. Strout  
Rep. Orland G. McPherson  
Rep. Pamela L. Cahill  
Rep. Daniel J. Callahan  
\*Subcommittee Members

Staff: Christos J. Gianopoulos,  
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January 22, 1986

At the conclusion of the First Regular Session, the Legislative Council approved a study request by the Joint Standing Committee on Transportation to review railroad statutory provisions and remove those which are outdated. The need for this inquiry was first noticed by the Audit and Program Review committee who wrote to the Transportation Committee in May of 1985 suggesting an interim study be done.

The chairpersons of the Transportation Committee appointed a subcommittee consisting of the following members of the full committee: Sen. Charles Dow, Senate Chair, and Sen. Melvin Shute. Rep. Raynold Theriault, House Chair, Rep. Donald Strout, Rep. Roger Pouliot.

The subcommittee met initially on October 24, 1985 to review the progress of the study to date and to establish on a plan to be followed to complete the assignment. On December 5, 1985 the subcommittee convened again to look at those provisions which had been identified for possible removal. At the December meeting, decisions were made about the provisions in question and instructions given to prepare legislation to reflect the subcommittee's intention. The legislation necessary to implement the Committee's action are attached hereto.

Several provisions that are identified for removal in this bill relate to passenger service. Passenger service is no longer available in Maine, except for transport to and from Canada by a Canadian Railroad, and the statutory provisions in Maine law are not appropriate for contemporary passenger service, even if it were presently available. The rest of the provisions that are eliminated are miscellaneous items related to the operation of railroads. Their presence in Maine law is not needed because many of the functions to which they make reference are no longer accomplished. Some of the other provisions that were considered for exclusion related to the transportation and handling of animals. The study committee learned from the Animal Welfare Board that they had already authorized the initiation of a recodification process, and they would assume responsibility for updating the provisions in question to conform with contemporary needs.

Finally, a few other changes are made to reorganize sections, placing items in their proper sections.

The study subcommittee and the Office of Policy and Legal Analysis wishes to acknowledge Stephen H. Shook, former corporate counsel for the Maine Central Railroad who provided invaluable assistance at the beginning of the inquiry in identifying statutory sections which needed to be examined.

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SECOND REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

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Legislative Document No.

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H.P. House of Representatives,

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SIX

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AN ACT to Modernize Laws Related to  
Railroads.

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

Sec. 1. 17 MRSA §3607 is enacted to read:

§3607. Railroad; rights-of-way

No person without right may 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, may board or attempt to board or remain on any railroad freight train, freight car, cabooses, locomotive or work equipment. Any person violating 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.

Sec. 2. 29 MRSA §2190 is enacted to read:

1 §2190. Evading payment of fare; public transporta-  
2 tion

3 No person is entitled to transportation upon any  
4 ferry or in a taxicab or public automobile, who does  
5 not on demand first pay the established fare. Whoev-  
6 er, while being transported over any ferry or in a  
7 taxi or public automobile, willfully refuses on de-  
8 mand to pay the established fare by giving a false  
9 answer or by traveling beyond the place to which he  
10 has paid or by leaving a ferry or taxicab or public  
11 automobile without paying the established fare,  
12 whether the fare is demanded or not, forfeits not  
13 less than \$5 nor more than \$20, to be recovered on  
14 complaint.

15 Sec. 3. 35 MRSA §901 is repealed.

16 Sec. 4. 35 MRSA §902, as amended by PL 1977, c.  
17 234, §4, is repealed.

18 Sec. 5. 35 MRSA §§903 and 904 are repealed.

19 Sec. 6. 35 MRSA §908, as amended by PL 1977, c.  
20 234, §6, is repealed.

21 Sec. 7. 35 MRSA §931, as amended by PL 1977, c.  
22 234, §7, is repealed.

23 Sec. 8. 35 MRSA §932, as amended by PL 1977,  
24 c.234, §8, is repealed.

25 Sec. 9. 35 MRSA §§962 and 963 are repealed.

26 Sec. 10. 35 MRSA §1161 is repealed.

27 Sec. 11. 35 MRSA §1168 is repealed.

28 Sec. 12. 35 MRSA §1186 is repealed.

29 Sec. 13. 35 MRSA §3296 is amended to read:

30 §3296. Water utility line crossing railroad  
31 right-of-way

32 Wherever a line or main of a water utility is lo-  
33 cated and about to be constructed across the right-

1 of-way of any railroad, unless the officers of such  
2 water utility shall agree with the corporation oper-  
3 ating such railroad as to the place, manner and con-  
4 ditions of the crossing, the Public Utilities  
5 Commission Department of Transportation upon petition  
6 of either party, after notice and hearing, shall de-  
7 termine the place, manner and conditions of such  
8 crossing. All the work within the limits of such  
9 railroad location shall be done under the supervision  
10 of the officers of the corporation operating said  
11 railroad and to the satisfaction of the commission,  
12 and the expense thereof shall be borne by the water  
13 utility. Said commission shall make report of their  
14 decision in the same manner as in the case of high-  
15 ways located across railroads and subject to the same  
16 right of appeal.

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#### STATEMENT OF FACT

18 The purpose of this bill is to modernize, clarify  
19 and in some cases recodify laws that relate to rail-  
20 roads.

21 Sections 3 to 12 repeal some laws relating to  
22 passenger trains and stations, and it removes obso-  
23 lete provisions that relate to discontinued functions  
24 in operating trains. The repeal sections are as fol-  
25 lows: The Maine Revised Statutes, Title 35, section  
26 901 - Fares and tolls established; Title 35, section  
27 902 - Rights of ticket holders; Title 35, section 903  
28 - Railroad tickets; cancellation and exchange; Title  
29 35, section 904 - Sale of limited tickets; Title 35,  
30 section 931 - Loitering about or soliciting passen-  
31 gers; Title 35, section 932 - Law posted; Title 35,  
32 section 962 - Trains crossing at same hour; exchange  
33 of baggage; Title 35, section 963 - Equal facilities  
34 to all expresses; Title 35, section 1161 - Brakemen;  
35 Title 35, section 1168 - Posting of law; and Title  
36 35, section 1186 - Location of railroad near station  
37 of another company.

1           Section 13 transfers this section to the jurisdic-  
2           tion of the Department of Transportation since the  
3           Public Utilities Commission no longer has jurisdic-  
4           tion over railroads by virtue of PL 1981, chapter  
5           469.

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