

## CHAPTER 611

### SAFETY PROVISIONS

#### **§7001. Brakemen**

No train of passenger cars, moved by steam, may be run without one trusty and skillful brakeman to every 2 cars. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7002. Danger signals, where disconnected cars left on track; penalty**

No car disconnected from a train may 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 the obstruction on the main line of the road as will insure safety to and from moving trains. The signals shall be in the charge of and constantly attended by employees of the corporation owning or operating the road. [PL 1987, c. 141, Pt. A, §4 (NEW).]

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 for that violation. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7003. 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 that injury and it has an insurable interest in the property along the route for which it is responsible, and may procure insurance on that property. The corporation shall be entitled to the benefit of any insurance upon such property effected by the owner of the property 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 the corporation which may maintain an action on the policy, 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. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7004. 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. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7005. 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. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7006. No liability for death of person walking on road**

No railroad corporation is liable for the death of a person walking or being on its road contrary to law or to its valid rules. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7007. Penalty for being on track or bridge or entering track with team or vehicle**

**1. Walking or standing on track or bridge.** A person may not, without right, stand or walk on a railroad track or railroad bridge or pass over a railroad bridge except by railroad conveyance. [PL 2003, c. 452, Pt. L, §12 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**2. Entering track.** A person may not, without right, enter upon a railroad track with a team or a vehicle however propelled or drive any team or propel a vehicle upon a railroad track. [PL 2003, c. 452, Pt. L, §12 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**3. Penalties.** The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a traffic infraction for which a fine of not less than \$50 and not more than \$100 may be adjudged. [PL 2017, c. 329, §2 (AMD).]

B. A person who violates subsection 1 after having previously violated subsection 1 commits a traffic infraction for which a fine of not less than \$250 and not more than \$500 may be adjudged. [PL 2017, c. 329, §2 (AMD).]

C. A person who violates subsection 1 after having previously violated subsection 1 2 times commits a traffic infraction for which a fine of not less than \$750 and not more than \$1,000 may be adjudged. [PL 2017, c. 329, §2 (AMD).]

C-1. A person who violates subsection 1 after having previously violated subsection 1 3 or more times commits a Class E crime. [PL 2015, c. 204, §1 (NEW).]

D. A person who violates subsection 2 commits a Class E crime. Violation of subsection 2 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. L, §12 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2017, c. 329, §2 (AMD).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW). PL 1991, c. 797, §8 (AMD). PL 1999, c. 318, §1 (AMD). PL 2003, c. 452, §L12 (RPR). PL 2003, c. 452, §X2 (AFF). PL 2015, c. 204, §1 (AMD). PL 2017, c. 329, §2 (AMD).

#### **§7008. Posting of law**

A printed copy of section 7007 shall be kept posted in a conspicuous place in every railroad passenger station; for failure to post, the corporation forfeits not more than \$100 for every offense. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7009. 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 road, 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 that 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. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7010. Changing switch or lights**

Whoever, without authority, alters, changes or in any manner interferes with any safety switch or switch lights on any railroad commits a Class E crime. [PL 1991, c. 797, §8 (AMD).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW). PL 1991, c. 797, §8 (AMD).

#### **§7011. 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. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7012. Location of railroad near station of another company**

No railroad company may 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 that station for ordinary station purposes. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7013. 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. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

#### **§7014. Orders**

The Superior Court is given full jurisdiction to enforce compliance with any order issued prior to January 1, 1982, by the Public Utilities Commission or any order issued by the Department of Transportation under this chapter. It is the duty of the Department of Transportation to see that the rights of the public under this chapter are fully protected. [PL 1987, c. 141, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 141, §A4 (NEW).

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