

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 234

In Senate, Feb. 27, 1917.

*Reported by Mr. Butler from Committee on Public Utilities
and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT to Amend Section Thirty of Chapter Twenty-four
of the Revised Statutes Relating to the Crossing of Railroad
Tracks by Town Ways and Highways.

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

Section 30. Town ways and highways may be laid out
2 across, over or under any railroad track, except that no
3 such location shall be legal or effective, nor shall any such
4 way be constructed, unless the Public Utilities Commis-
5 sion, on application of the municipal officers of the city or
6 town, wherein such way is located, or of the parties own-

7 ing or operating the railroad, shall, upon notice and hear-
8 ing, determine that such way shall be permitted to cross
9 such track. Said commission shall have the right to refuse
10 its said permission or to grant the same upon such terms
11 and conditions as it may prescribe including the manner
12 and conditions in accordance with which the way may cross
13 such track and whether the expense of building and main-
14 taining so much of said way as is within the limits of such
15 railroad shall be borne by such railroad company, or by the
16 city or town in which such way is located, or shall be appor-
17 tioned between such company and city or town as may be
18 determined by said commission. Said commission shall
19 make a report in writing of its decision thereupon, file the
20 same in its office and cause to be sent by mail or otherwise
21 to each of the railroad corporations, and the municipal offi-
22 cers of the city or town as the case may be, interested there-
23 in, a copy of such decision. Such decision shall be final
24 and binding upon all parties unless an appeal therefrom
25 shall be taken and entered at the next succeeding term of
26 the supreme judicial court, to be held in the county where
27 the crossing is located, more than thirty days after the date
28 of the filing of the report; and said Public Utilities Com-
29 mission shall be made a party defendant in such appeal and
30 entitled to be heard in all subsequent proceedings had upon
31 such appeal. The appellant shall within fourteen days from
32 the date of the filing of such report, file in the office of the
33 Public Utilities Commission its reason for appeal and four-

34 teen days at least before the sitting of the appellate court
35 it shall cause to be served upon such other interested cor-
36 porations of municipality a copy of such reasons for appeal
37 certified by the clerk of the Public Utilities Commission.
38 The presiding justice at such term of court shall make such
39 order or decree thereon as law and justice may require.
40 Exceptions may be taken to such order or decree. The
41 final adjudication shall be recorded as provided in section
42 thirty-three of this chapter and a copy of such final decision
43 sent to the Public Utilities Commission by the clerk of the
44 court where such final adjudication is made. Costs may be
45 taxed and allowed to either party at the discretion of the
46 court.