

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 1221

H. D. No. 437

House of Representatives, March 20, 1925.

Reported by Mr. Nichols of Portland from Committee on
Judiciary and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT Relating to the Taking of Additional Land by Rail-
road Corporations; Proceedings Before Public Utilities
Commission.

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

That section twenty-six, chapter fifty-six of the revised
2 statutes of Maine, revision of nineteen hundred and six-
3 teen, is hereby amended by striking out the first sentence
4 of said section which reads: "Any railroad corporation may
5 also purchase or take and hold, as for public uses, addi-
6 tional land at any time required for the purpose of im-
7 proving the alignment of its road, or for double tracking
8 its road, also land for borrow and gravel pits, necessary

9 tracks, sidetracks, stations, coal-sheds, wood-sheds, repair-
10 shops, and car, engine and freight houses; but if the owner
11 of said land does not consent thereto, or if the parties do
12 not agree as to the necessity therefor or the area necessary
13 to be taken, the corporation may make written application
14 to the public utilities commission, describing the estate, and
15 naming the persons interested; the commission shall there-
16 upon appoint a time for the hearing near the premises, and
17 require notice to be given to the persons interested, as they
18 may view the premises, hear the parties and determine how
19 much, if any, of such real estate is necessary for the rea-
20 sonable accommodation of the traffic and appropriate busi-
21 ness of the corporation," and substituting therefor the fol-
22 lowing:

'Any railroad corporation may also purchase or take and
2 hold, as for public uses, additional land at any time re-
3 quired for improving the alignment or grades of its road,
4 or for double tracking its road, or for protecting the tracks
5 against erosion of adjoining or adjacent land or against
6 the action of the elements, also land for borrow and gravel
7 pits, necessary tracks, sidetracks, spur tracks, stations, coal-
8 sheds, wood-sheds, water-tanks, repair-shops, car, engine,
9 freight and section houses, and section dwelling houses
10 which the public utilities commission, after hearing, shall
11 find to be reasonably required in the safe, economical and
12 efficient operation of the railroad and in rendering of ade-
13 quate common carrier service to the public; but if the owner

14 or owners of said land do not consent thereto, or if the par-
15 ties do not agree as to the necessity therefor, or as to the
16 area to be taken, or if the parties are unable to agree as to
17 the fair value of said land, the corporation may make writ-
18 ten application to the public utilities commission request-
19 ing its approval of the taking, by said railroad corporation
20 for any of the above named public uses, describing the
21 estate and naming the persons interested; the commission
22 shall thereupon appoint a time for the hearing near the
23 premises, and require notice to be given to the persons in-
24 terested, as they may direct, fourteen (14) days at least
25 before said time; the commission shall then view the
26 premises, hear the parties and determine how much, if any,
27 of such real estate should be taken for the reasonable ac-
28 commodation of the traffic, the safe operation of the rail-
29 road, and the appropriate business of the corporation.'