

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1219

H.P. 876

House of Representatives, April 18, 1989

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ROTONDI of Athens.

Cosponsored by Representative HOGLUND of Portland, Speaker MARTIN of Eagle Lake and Senator TWITCHELL of Oxford.

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STATE OF MAINE

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

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An Act to Provide Access to Camps.

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

3 **23 MRSA §2929-A** is enacted to read:

5 **§2929-A. Residential crossings**

7 **1. Department order.** The department shall, on petition by  
9 a landowner or lessee, order a railroad company to establish and  
and hearing, the department finds that:

11 **A. Establishment and maintenance of an at-grade crossing at**  
13 **the location requested by the petitioner is reasonably**  
15 **necessary for pedestrian or vehicular access to land owned**  
17 **or leased by the petitioner and used for residential**  
**purposes; and**

19 **B. Establishment and maintenance of an at-grade crossing at**  
21 **the site requested by the petitioner would not create an**  
23 **unreasonably unsafe or hazardous condition, provided that**  
**the department may not consider the existence or absence of**  
**applicable liability insurance coverage in evaluating safety**  
**conditions at the proposed crossing.**

25 **2. Burden of proof.** The petitioner shall have the burden  
27 of demonstrating the need for and the safety of the requested  
crossing.

29 **3. Superior Court relief.** If a railroad company, after 7  
31 days' notice in writing to its president or superintendent,  
neglects to begin work on or to complete within a reasonable time  
33 a crossing that the department has ordered a railroad company to  
establish and maintain under this section, the landowner or  
35 lessee may petition the Superior Court and, after due notice and  
hearing, the court shall issue all necessary processes to enforce  
37 specific performance of the department's order or afford other  
equitable relief.

39 **4. Private crossing agreements.** Nothing in this section  
41 prohibits railroad companies from entering into agreements with  
landowners or lessees which provide for the establishment or  
43 maintenance of railroad crossings.

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