

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2205

H.P. 1592

House of Representatives, January 19, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Utilities suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative CAHILL of Mattawamkeag.  
Cosponsored by Senator PEARSON of Penobscot.

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STATE OF MAINE

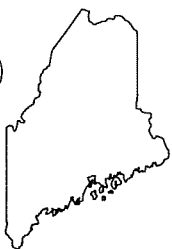
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Allow Towns to Lay Pipes Under Railroad Tracks.

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

30-A MRSA §3408, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10, is further amended to read:

§3408. Crossing railroad right-of-way

Whenever a public drain or sewer is located and about to be constructed across or under the right-of-way of any railroad, the Public Utilities Commission shall determine the place, manner and conditions of the crossing upon petition of either party and after notice and hearing, unless the municipal officers or committee of the municipality which that located the drain or sewer agrees with the corporation operating shall notify the railroad as to the place, manner and conditions of the crossing. All the work within the limits of the railroad location shall be done under the supervision of the officers of the corporation operating the railroad and to the satisfaction of the commission. The municipality in which the drain or sewer is located shall bear the expense of the work. Any additional expense in the construction of that part of the sewer or drain within the limits of the railroad's right of way caused by the commission's determination shall be borne by the railroad company or by the municipality in which the drain or sewer is located, or shall be apportioned between the company and the municipality as the commission determines. The commission shall make a report of their decision in the same manner as in the case of highways located across railroads and subject to the same right of appeal. The municipal officers or committee of the municipality that located the sewer shall attempt to arrange a mutually acceptable schedule for the work with the railroad but shall have final authority for and supervision over performance of the work.

STATEMENT OF FACT

This bill allows municipalities to have authority over the location of sewer lines across or under the right-of-way of any railroad. The bill requires that any necessary work is to be done at the municipality's expense and gives the municipality rather than the Public Utilities Commission or the railroad the authority over how or when any work is to be done.