

MAINE STATE LEGISLATURE

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Fifty-Seventh Legislature.

SENATE.

No. 46.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT.

[S. 66.] AN ACT to amend chapter two hundred and fourteen of the public laws of the year one thousand eight hundred and seventy-four, entitled "an act relating to ways across railroads."

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Chapter two hundred and fourteen of the public laws
2 of the year one thousand eight hundred and seventy-
3 four, is hereby amended so as to read as follows :

SECTION 1. Town ways and highways may be laid
2 out across, over or under any railroad track, in the
3 manner provided by law for laying out such ways ;
4 and when such way crosses such track at grade, the
5 expense of building and maintaining so much of such
6 way as is within the limits of such railroad, shall be

7 borne by the railroad company whose track is so
8 crossed ; and when such way is laid out under or over
9 such track and not at grade, the expense of building
10 and maintaining so much thereof as is within the limits
11 of such railroad, shall be borne by such railroad com-
12 pany, or by the city or town in which such way is
13 located, or be apportioned between such railroad com-
14 pany and such city or town, as may be determined by
15 the railroad commissioners, upon petition and after
16 notice and hearing of the parties. Either party ag-
17 grieved by their decision thereon may appeal therefrom
18 to the supreme judicial court, at any time after such
19 decision has been made, in writing, and before the
20 next term of said court within and for the county in
21 which such way is located, at which term such appeal
22 may be entered and prosecuted by the party appealing.
23 If the party appealing fails to appear at that term to
24 prosecute the appeal, the decision of the railroad com-
25 missioners shall be final and conclusive. If the appeal
26 is then entered, not afterwards, the court may appoint
27 a committee of three disinterested persons, not residents
28 of the county in which such way is located, who shall
29 be sworn, and if one of them dies, refuses to act, or
30 becomes interested, the court may appoint another in
31 his place, and they shall give such notice as the court

32 has ordered, view the way in question, hear the par-
33 ties, and make their report at that or the next term of
34 the court after their appointment, whether the decision
35 of the railroad commissioners should be in whole or in
36 part affirmed or reversed, which being accepted and
37 judgment thereon entered, shall be final and conclusive
38 in the case. Costs may be taxed and allowed to either
39 party at the discretion of the court.

SECT. 2. In case of such ways already so laid out,
2 over or under any railroad track, and not at grade, the
3 expense of building and maintaining so much of such
4 way as is within the limits of such railroad, shall be
5 borne as provided in section one of this act, the ques-
6 tion to be determined upon application of any railroad
7 company whose track is so crossed, made within sixty
8 days after notice in writing hereafter served on such
9 railroad company, by the municipal officers of any city
10 or town in which such way is located, requesting such
11 railroad company to build and maintain so much of
12 such way as is within the limits of their road.

SECT. 3. All provisions of any act inconsistent with
2 this act are hereby repealed.

STATE OF MAINE.

IN SENATE, February 7, 1878.

Reported by Mr. NASH of Washington, from the Committee on Railroads, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*