

MAINE STATE LEGISLATURE

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Sixty - Second Legislature.

SENATE.

No. 110.

STATE OF MAINE.

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

AN ACT to amend section twenty-seven of chapter
eighteen of the Revised Statutes, relating to laying
out ways across railroads.

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

Section twenty-seven of chapter eighteen of the
2 Revised Statutes is hereby amended by inserting
3 after the word "application" in the third line of
4 said section the words 'of the municipal officers
5 of the city or town wherein such crossing is situ-
6 ated, or;" and also by striking out the word "way"
7 in the twelfth line of said section and inserting
8 instead thereof the word 'crossing;' and also by
9 striking out all between the word "parties" in the

10 fifteenth line and the word "costs" in the twenty-
11 ninth line of said section, and inserting instead there-
12 of the following words: 'Said commissioners shall
13 make a report in writing of their decision there-
14 upon to the supreme judicial court at its next suc-
15 ceeding term to be held in the county wherein such
16 crossing is situated, and shall also make a report
17 of such rulings, proofs and proceedings as either
18 party desires, or as they deem necessary for a full
19 understanding of the case. The presiding justice
20 at such term of court may accept, reject or re-
21 commit said report, or send the case to a new com-
22 missioner, or make such other order or decree as law
23 or justice may require, and to his ruling or order
24 either party may file exceptions. The final adju-
25 dication in such cases shall be recorded as pro-
26 vided in section thirty of this chapter,' so that said
27 section as amended shall read as follows:

'SECT. 27. Town ways and highways may be
29 laid out across, over or under any railroad track,
30 in the same manner as other town ways and high-
31 ways, except that the railroad commissioners, on
32 application of the municipal officers of the city
33 or town wherein such crossing is situated, or of
34 parties owning or operating the railroad, shall
35 upon notice and hearing determine the manner and

36 conditions of crossing the same, and when such way
37 crosses such track at grade, the expense of build-
38 ing and maintaining so much of such way as is
39 within the limits of such railroad shall be borne
40 by the railroad company whose track is so crossed,
41 and when such way is laid out under or over such
42 track and not at grade the expense of building
43 and maintaining so much thereof as is within the
44 limits of such railroad shall be borne by such
45 company or by the city or town in which such
46 crossing is located, or shall be apportioned between
47 such company and such city or town as may be
48 determined by the railroad commissioners upon
49 petition and after notice and hearing of the parties.
50 Said commissioners shall make a report in writing
51 of their decision thereupon to the supreme judicial
52 court at its next succeeding term to be held in the
53 county wherein such crossing is situated, and shall
54 also make a report of such rulings, proofs and
55 proceedings as either party desires or they may
56 deem necessary for a full understanding of the
57 case. The presiding justice at such term of court
58 may accept, reject or re-commit said report, or
59 send the case to a new commissioner, or make such
60 other order or decree as law or justice may require,
61 and to his ruling or order either party may file

62 exceptions. The final adjudication in such cases
63 shall be recorded as provided in section thirty of
64 this chapter. Costs may be taxed and allowed
65 to either party at the discretion of the court.’

STATE OF MAINE.

IN SENATE CHAMBER, }
February 20, 1885. }

Reported by Mr. KIMBALL, from Committee on Railroads, Tele-
graphs and Expresses, and laid on table to be printed under joint rule.

C. W. TILDEN, *Secretary*.