

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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HOUSE.

No. 237.

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## STATE OF MAINE.

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

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AN ACT additional to and amendatory of chapters 310 and 312 of Laws of 1885, relating to railroad crossings.

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

SECTION 1. Section 27 of chapter 15 as amended 2 by chapter 310 of laws of 1885 is hereby amended, 3 so as to read as follows:

SECT. 27. Town ways and highways may be laid 5 out across, over, or under any railroad track, in the 6 same manner as other town ways and highways, 7 except that before such way shall be constructed, 8 the railroad commissioners, on application of the 9 municipal officers of the city or town wherein such

10 way is located, or of the parties owning or opera-  
11 ting the railroad, shall upon notice and hearing  
12 determine the manner and condition of crossing the  
13 same, and the expense of building and maintaining  
14 so much thereof as is within the limits of such  
15 railroad shall be borne by such railroad company,  
16 or by the city or town in which such way is located,  
17 or shall be apportioned between such company and  
18 city or town, as may be determined by said railroad  
19 commissioners.

Said commissioners shall make a report in writing  
21 of their decision thereupon to the supreme judicial  
22 court at its next succeeding term to be held in the  
23 county wherein such crossing is situated and shall  
24 also make a report of such rulings, proofs, and  
25 proceedings as either party desires or as they deem  
26 necessary for a full understanding of the case.  
27 The presiding justice at such term of court may  
28 accept, reject, or re-commit said report, or send the  
29 case to a new commission, or make such other  
30 order or decree as law or justice may require, and  
31 to his ruling or order either party may file excep-  
32 tions. The final adjudication in such cases shall  
33 be recorded as provided in section 30 of this  
34 chapter.

Costs may be taxed and allowed to either party  
36 at the discretion of the court.'

SECT. 2. Section 28 of chapter 51 of the Revised  
2 Statutes, as amended by chapter 312 of Laws of  
3 1885 is hereby amended so as to read as follows:

'SECT. 28. Railroads may cross highways or  
5 townways in the line of the railroad, but cannot  
6 pass along them without leave of the town, but  
7 when a railroad is hereafter laid out across a high-  
8 way or other public way it shall be constructed so  
9 as to pass either over or under such way, unless  
10 the railroad commissioners after notice and hearing  
11 authorize a crossing at grade.

Before entering upon the construction of any rail-  
13 road the manner and conditions of crossing shall  
14 be determined as provided by section 27 of chapter  
15 18 as amended. Crossings not so made, are nui-  
16 sances and may be so treated and the directors of  
17 railroad corporations making them are personally  
18 liable.'

SECT. 3. Highways and other ways may be  
2 raised or lowered for the purpose of permitting a  
3 railroad to pass over or under same, or the course  
4 of the same may be altered so as to facilitate such  
5 crossing, or to permit a railroad to pass at the side  
6 thereof, on application to the railroad commis-

7 sioners, and proceeding as provided by section 27  
8 of chapter 18 as amended by this act, and for such  
9 purpose land may be taken and damages awarded  
10 as provided for laying out highways and other  
11 ways.

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STATE OF MAINE,

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HOUSE OF REPRESENTATIVES, }  
February 23, 1889. }

Reported from Committee on Railroads, Telegraphs and Expresses by  
Mr. SPOFFORD of Bucksport; ordered printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*