

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 396.

STATE OF MAINE.

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

AN Act referring to railroads crossing other railroads and
highway bridges.

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

SECTION. 1. The board of railroad commissioners shall
2 have authority to determine the manner and conditions of
3 one railroad of any kind crossing another. Any corpora-
4 tion or party operating such railroad may apply to said
5 board for a change in the then existing condition, con-
6 struction or manner of any such crossing. Such applica-
7 tion shall be in writing, giving the location of the crossing,
8 and said board shall give a hearing thereon, after they
9 have ordered such notice to be given by the applicants,

10 as to the time, place and purposes of such hearing as said
11 board shall deem proper. Said board shall determine at
12 such hearing what changes, if any, are necessary, and
13 how such crossings shall be constructed and maintained,
14 the expense thereof to be borne by the parties operating
15 the railroad of any kind last located there.

SECT. 2. In the case of a railroad company of any kind
2 whose tracks are to be constructed across the tracks of
3 any railroad already built, such crossings shall be made,
4 constructed and maintained at the expense of the parties
5 operating the railroad last located there and in such
6 manner and under such conditions as shall be ordered by
7 the board of railroad commissioners. The parties con-
8 templating making such crossing shall apply to the
9 railroad commissioners in writing, giving the location of
10 the crossing desired, and said commissioners shall give a
11 hearing thereon after they shall have ordered such notice
12 to be given by the applicants of the time, place and pur-
13 poses of such hearing as said board shall deem proper.
14 At such hearing the board of railroad commissioners
15 shall determine the manner and conditions of construction
16 and maintenance of such crossing and make their report
17 as hereinafter provided.

SECT. 3. Bridges erected by any municipality, over
2 which any railroad passes, shall be constructed and main-
3 tained in such manner and condition, as to safety, as the
4 board of railroad commissioners may determine. Said
5 board shall have authority to bring the officers of the
6 railroad company and those of the municipality into a
7 hearing in the matter, after such notice of the hearing to
8 all parties in interest as said board may deem proper.

9 Said commissioners shall determine at such hearing the
10 repairs, renewals or strengthening of parts or if necessary
11 the manner of rebuilding of such bridge, required to make
12 the same safe for the uses to which it is put. They shall
13 determine who shall bear the expenses of such repairs,
14 renewals, strengthening or rebuilding of such bridge, or
15 they may apportion such expense between the railroad
16 company and the city or town, as the case may be, in
17 such manner as shall be deemed by the board as just and
18 fair. Said board shall make their report as hereinafter
19 provided.

SECT. 4. The board of railroad commissioners shall
2 make a report in writing of their determinations and
3 decisions in the matters named in the three preceding
4 sections, file the same in their office and cause to be sent
5 by mail to each of the railroad corporations or the
6 municipal officers of the cities or towns as the case may
7 be, interested therein, a copy of such determination
8 or decision. Such decision or determination shall be final
9 and binding upon all parties named unless an appeal there-
10 from shall be taken and entered in the next succeeding
11 term of the supreme judicial court to be held in the
12 county where the crossing or bridge is located, after
13 thirty days from the date of the report.

SECT. 5. If an appeal shall be taken as provided in the
2 preceding section, the appellant shall within thirty days
3 from the date of the filing of such decision, file in the
4 office of the board of railroad commissioners its reasons for
5 appeal, and fourteen days at least before the sitting of the
6 appellate court, it shall cause to be served upon such
7 other interested corporation or municipality a copy of

8 such reasons for appeal certified by the clerk of the board
9 of railroad commissioners. The presiding justice, at such
10 term of court shall make such order or decree thereon as
11 law and justice may require. The final adjudication shall
12 be recorded by the clerk of courts in the county where
13 the crossing or bridge is located and a copy of the same
14 shall be certified by said clerk to the board of railroad
15 commissioners for record in their office. Costs may be
16 taxed and allowed to either party at the discretion of the
17 court.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 27, 1893. }

Reported by Mr. TWITCHELL of Bath, from Committee on Railroads,
Telegraphs and Expresses, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*