

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

SENATE.

No. 149.

STATE OF MAINE.

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

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, as
10 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 how
13 such crossings shall be constructed and maintained, the
14 expense thereof to be borne as the railroad commissioners
15 may order.

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 in such manner and under
5 such conditions as shall be ordered by the board of rail-
6 road commissioners, the expense thereof to be borne as
7 the railroad commissioners may order. The parties con-
8 templating making such crossing shall apply to the rail-
9 road commissioners in writing, giving the location of the
10 crossing desired, and said commissioners shall give a hear-
11 ing thereon after they shall have ordered such notice to be
12 given by the applicants of the time, place and purposes
13 of such hearing as said board shall deem proper. At such
14 hearing the board of railroad commissioners shall deter-
15 mine the manner and conditions of construction and main-
16 tenance of such crossing and make their report as herein-
17 after 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 require the officers of the
6 railroad company and those of the municipality to attend
7 a 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 neces-
11 sary the manner of rebuilding of such bridge, required to

12 make the same safe for the uses to which it is put. They
13 shall determine who shall bear the expenses of such
14 repairs, renewals, strengthening or rebuilding of such
15 bridge, or they may apportion such expense between the
16 railroad company and the city or town, as the case may
17 be, in such manner as shall be deemed by the board as
18 just and fair. Said board shall make their report as
19 hereinafter 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 muni-
6 cipal officers of the cities or towns as the case may be,
7 interested therein, a copy of such determination or
8 decision. Such decision or determination shall be final
9 and binding upon all parties named, unless an appeal
10 therefrom shall be taken and entered in the next succeed-
11 ing term of the supreme judicial court, to be held in the
12 county where the crossing or bridge is located, after thirty
13 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
5 for appeal, and fourteen days at least before the sitting of
6 the 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—exception may be taken to
12 such order or decree. The final adjudication shall be
13 recorded by the clerk of courts in the county where the
14 crossing or bridge is located, and a copy of the same shall
15 be certified by said clerk to the board of railroad commis-
16 sioners for record in their office. Costs may be taxed and
17 allowed to either party at the discretion of the court.

STATE OF MAINE.

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IN SENATE, February 23, 1895.

Reported by Mr. HILL, from Committee on Railroads, Telegraphs,
and Expresses, and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.