

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Sixty-Ninth Legislature.

HOUSE.

No. 243

STATE OF MAINE.

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

AN ACT to amend Chapter 282 of the Laws of eighteen hundred and eighty-nine, relating to Railroad Crossings.

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

Section 1. Section twenty-seven of chapter eighteen, as
2 amended by chapter two hundred and eighty-two of the Laws
3 of eighteen hundred and eighty-nine, is hereby amended, so
4 as to read as follows:

‘Sect. 27. Town ways and highways may be laid out across,
6 over, or under any railroad track, in the same manner as other
7 town ways and highways, except that before such way shall
8 be constructed, the railroad commissioners, on application of
9 the municipal officers of the city or town wherein such way
10 is located, or of the parties owning or operating the railroad,
11 shall, upon notice and hearing, determine whether the way
12 shall be permitted to cross such track at grade therewith or
13 not, and the manner and conditions of crossing the same, and

14 the expense of building and maintaining so much thereof as
15 is within the limits of such railroad shall be borne by such
16 railroad company, or by the city or town in which such way
17 is located, or shall be apportioned between such company and
18 city or town, as may be determined by said railroad commis-
19 sioners. Said commissioners shall make a report in writing
20 of their decision thereupon, file the same in their office and
21 cause to be sent by mail or otherwise to each of the railroad
22 corporations, and the municipal officers of the city or town,
23 as the case may be, interested therein, a copy of such decision.
24 Such decision shall be final and binding upon all parties unless
25 an appeal therefrom shall be taken and entered to the next
26 succeeding term of the supreme judicial court, to be held in
27 the county where the crossing is located, more than thirty
28 days after the date of the filing of the report. The appellant
29 shall within fourteen days from the date of the filing of such
30 report, file in the office of the board of railroad commissioners,
31 its reasons for appeal, and fourteen days at least before the
32 sitting of the appellate court, it shall cause to be served upon
33 such other interested corporations or municipality a copy of
34 such reasons for appeal, certified by the clerk of the board of
35 railroad commissioners. The presiding justice, at such term
36 of court, shall make such order or decree thereon as law and
37 justice may require. Exceptions may be taken to such order
38 or decree. The final adjudication shall be recorded as pro-
39 vided in section thirty of this chapter. Costs may be taxed
40 and allowed to either party at the discretion of the court.'

Sect. 2. Section three of chapter two hundred and eighty-
2 two of the Laws of eighteen hundred and eighty-nine is
3 hereby amended so as to read as follows:

'Sect. 3. Highways and other ways may be raised or low-
5 ered for the purpose of permitting a railroad to pass over or
6 under the same, or the course of the same may be altered so

7 as to facilitate any crossing, or to permit a railroad to pass
8 at the side thereof, on application to the railroad commis-
9 sioners, and proceeding as provided by section twenty-seven
10 of chapter eighteen as amended by this act, and for such pur-
11 poses, land may be taken and damages awarded as provided
12 for laying out highways and other ways.'

Sect. 3. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 2, 1899.

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

W. S. COTTON, *Clerk.*