

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventy-first Legislature.

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HOUSE.

No. 112

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THREE.

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AN ACT to enlarge the powers of Street Railroads in taking  
lands.

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

Section 1. Any street railroad corporation may purchase or take and hold, as for public uses, land for borrowings and gravel pits, spur tracks thereto, side tracks, turnouts, stations, car barns, pole lines, wires, installing and maintaining power plants, double tracking its road, improving the alignment thereof, changing or avoiding grades, or for avoiding grade crossings of any railroad; but if the owner of said land does not consent thereto, or if the parties do not agree as to the necessity therefor or the area necessary to be taken, the corporation may make

11 written application to the railroad commissioners, describ-  
12 ing the estate and naming the persons supposed to be  
13 interested; the commissioners shall thereupon appoint a  
14 time for the meeting near the premises, and require  
15 notices to be given to the persons so interested as they  
16 may direct fourteen days at least before said time; and  
17 shall then view the premises, hear the parties, and deter-  
18 mine how much, if any, of such real estate is necessary  
19 for the reasonable accommodation of the traffic and appro-  
20 priate business of the corporation. If they find that any  
21 of it is so necessary, they shall furnish the corporation  
22 with a certificate containing a definite description thereof;  
23 and when it is filed with the clerk of courts in the county  
24 where the land lies, it shall be deemed and treated as  
25 taken; provided, however, that when land is held by a  
26 tenant for life and the reversion is contingent as to the  
27 persons in whom it may vest on the termination of the life  
28 estate, such fact shall be stated in an application and the  
29 commissioners shall, in addition to the notice to the  
30 tenant for life, give notice by publication to all others  
31 interested in such matter as they deem proper.

Sect. 2. The land taken under section one shall not be  
2 entered upon except to make surveys before the certificate  
3 aforesaid has been filed with the clerk of courts. All  
4 damages shall be determined and paid as provided by  
5 chapter fifty-one of the revised statutes for lands taken by  
6 railroads, and chapter two hundred and thirty-six of the  
7 public laws for one thousand eight hundred and ninety-  
8 three shall be applicable thereto. No meeting house,  
9 dwelling house, public or private burying grounds shall  
10 be so taken without consent of the owners. Nothing

11 herein contained shall authorize the taking of lands  
12 already devoted to railroad uses except in cases where the  
13 railroad commissioners determine that such lands may be  
14 crossed in such manner as to avoid grade crossings with  
15 railroads.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 12, 1903.

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

W. S. COTTON, *Clerk.*