

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 116

STATE OF MAINE.

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

AN ACT relating to locations of street railroads.

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

Section 1. Whenever any street railroad corporation is
2 required to obtain the written approval of its proposed
3 route and location, or any extension of the same, as to
4 streets, roads or ways of the municipal officers of the cities
5 and towns in which said railroad is to be constructed in
6 whole or in part, it shall make such application in writing
7 and such municipal officers shall order public hearing
8 thereon, giving such notice thereof as they deem proper but
9 in no case less than seven days. After hearing and within
10 fourteen days after the filing of such application, such muni-
11 cipal officers shall file their decision thereon with the clerk

12 of the city or town who shall make due record thereof. If
13 the municipal officers upon such written application therefor
14 neglect to approve a route and location as to streets, roads
15 or ways, or if they refuse to approve such a route and
16 location, or if such route and location is not accepted by
17 the corporation, in either case said corporation may, within
18 fourteen days after the expiration of the time for filing such
19 decision, or within fourteen days after the filing thereof,
20 appeal to the railroad commissioners. A failure to appeal
21 shall not bar the corporation from making a new applica-
22 tion to municipal officers. Any person or corporation claim-
23 ing to be interested may in like manner so appeal to the rail-
24 road commissioners within said fourteen days. In all such
25 appeals the appellant shall file his appeal in writing in the
26 office of the board of railroad commissioners who shall
27 appoint a day for a hearing thereon and the appellant shall
28 give such notice thereof as said commissioners deem reason-
29 able and proper in order that all persons interested may
30 have an opportunity to appear and object thereto. After
31 hearing, the said commissioners shall make decision thereon
32 and cause record thereof to be made in their office in lieu
33 of the approval of the municipal officers.

Sect. 2. Section seven of Chapter fifty-three of the
2 Revised Statutes is hereby amended by striking therefrom
3 the following: "If the municipal officers upon written appli-
4 cation therefor neglect for thirty days to approve a route
5 and location as to streets, roads or ways, or if they refuse

6 to approve such a route and location, or if such route and
7 location approved by them is not accepted by the corpora-
8 tion, in either case said corporation may appeal to the next
9 term of the supreme judicial court to be held in any county
10 where any part of said railroad is located more than thirty
11 days from the expiration of said thirty days or from the date
12 of such refusal, or from the approval of a location that is not
13 accepted by the corporation, or otherwise, as the case may
14 be, excluding the day of the commencement of the session
15 of said court. If said railroad is located in two or more
16 counties, the supreme judicial court in either county shall
17 have jurisdiction of any such appellate proceedings. The
18 appellant shall serve written notice of such appeal upon said
19 municipal officers fourteen days at least before the session
20 of said court and shall at the first term file a complaint
21 setting forth substantially the facts of the case. If the appeal
22 is then entered, and not afterwards, the court shall appoint
23 a committee of three disinterested persons, who shall be
24 sworn, and if one of them dies, declines or becomes inter-
25 ested, the court may appoint some suitable person in his
26 place. They shall give such notice as the court has ordered,
27 view the proposed route or routes and location or locations
28 and make their report at the next term of the court after
29 their appointment, defining therein the route and location
30 as to streets, roads or ways as determined by them, which,
31 after acceptance and entry of judgment thereon, shall forth-
32 with be certified to the railroad commissioners and received

33 by them in lieu of the approval of the municipal officers.
34 Costs may be taxed and allowed as the court may order. A
35 failure to appeal shall not bar the corporation from making
36 a new application to municipal officers.”

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 6, 1887.

Tabled pending reference to the Committee on Railroads and Expresses,
by Mr. NEWBERT of Augusta, and ordered printed.

E. M. THOMPSON, *Clerk.*