

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 392

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 route
3 and location, or of any extension of the same, as to streets,
4 roads or ways, of the municipal officers of the cities and
5 towns in which said railroad is to be constructed in whole or
6 in part, it shall make an application in writing and such
7 municipal officers shall order public hearing thereon, giving
8 such notice thereof as they deem proper, but in no case less
9 than seven days. Such notice shall contain a copy of such

10 written application and warn the legal voters of such city
11 or town to be present and be heard thereon. After hearing
12 and within fourteen days after the filing of such application,
13 such municipal officers shall file their decision thereon with
14 the clerk of the city or town, who shall make due record
15 thereof. Any contract entered into between any such street
16 railroad corporation and such municipal officers as to the
17 terms, conditions and obligations under which such location
18 is approved so far as consistent with the powers and duties
19 of the railroad commissioners under the general laws of the
20 state shall be valid and binding. If the municipal officers
21 upon such written application therefor neglect to approve
22 a route and location as to streets, roads or ways, or if they
23 refuse to approve such a route and location, or if such route
24 and location is not accepted by the corporation, in either
25 case said corporation may, within fourteen days after the
26 expiration of the time for filing such decision, or within
27 fourteen days after the filing thereof, appeal to the railroad
28 commissioners. A failure to appeal shall not bar the cor-
29 poration from making a new application to municipal offi-
30 cers. Any person or corporation claiming to be interested
31 may appeal to the railroad commissioners within said four-
32 teen days from any decision made by the municipal officers.
33 In all such appeals the appellant shall file his appeal in writ-
34 ing in the office of the board of railroad commissioners, who
35 shall appoint a day for a hearing thereon, and the appellant
36 shall give such notice thereof as said commissioners deem

37 reasonable and proper in order that all persons interested
38 may have an opportunity to appear and object thereto. After
39 hearing, the said commissioners shall make decision thereon
40 and cause record thereof to be made in their office in lieu
41 of the approval of the municipal officers.

Sect. 2. Section seven of chapter fifty-three of the Revised
2 Statutes is hereby amended by striking therefrom the fol-
3 lowing: "If the municipal officers upon written application
4 therefor neglect for thirty days to approve a route and loca-
5 tion as to streets, roads or ways, or if they refuse to approve
6 such a route and location, or if such route and location
7 approved by them is not accepted by the corporation, in
8 either case said corporation may appeal to the next term of
9 the supreme judicial court to be held in any county where
10 any part of said railroad is located more than thirty days
11 from the expiration of said thirty days or from the date of
12 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 set-
21 ting forth substantially the facts of the case. If the appeal
22 is then entered, and not afterwards, the court shall appoint

28 and make their report at the next term of the court after their
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 court after their
29 appointment, defining therein the route and location as to
30 streets, roads or ways as determined by them, which, after
31 acceptance and entry of judgment thereon, shall forthwith
32 be certified to the railroad commissioners and received by
33 them in lieu of the approval of the municipal officers. Costs
34 may be taxed and allowed as the court may order. A failure
35 to appeal shall not bar the corporation from making a new
36 application to municipal officers.'

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 1, 1907.

Reported by Mr. HALL from Committee on Railroads and Expresses,
and ordered printed and recommitted.

E. M. THOMPSON, *Clerk.*