

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 598

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## STATE OF MAINE.

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

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AN ACT relating to locations of street railroads.

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*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 towns  
5 in which said railroad is to be constructed in whole or in  
6 part, it shall make an application in writing and such muni-  
7 cipal officers shall order public hearing thereon, giving such  
8 notice thereof as they deem proper but in no case less than  
9 seven days. Such notice shall contain a copy of such written

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

37 in order that all persons interested may have an opportunity  
38 to appear and object thereto. After hearing, the said com-  
39 missioners shall make decision thereon and cause record  
40 thereof to be made in their office in lieu of the approval of  
41 the municipal officers. This act shall not apply to any loca-  
42 tion which has been heretofore approved by the proper  
43 municipal officers.

Sect. 2. Section seven of chapter fifty-three of the Revised  
2 Statutes is hereby amended by striking therefrom the follow-  
3 ing: "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 either  
8 case said corporation may appeal to the next term of the  
9 supreme judicial court to be held in any county where any  
10 part of said railroad is located more than thirty days from  
11 the expiration of said thirty days or from the date of such  
12 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  
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.

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## STATE OF MAINE.

HOUSE OF REPRESENTATIVES.

Augusta, March 15, 1907.

Reported by Mr. HALL from Committee on Railroads and Expresses,  
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*