

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)

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 197

House of Representatives, Feb. 16, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Railroads and Expresses.

Committee on Reference.

Presented by Mr. Pollard of Solon.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to amend Chapter 147 of the Public Laws of 1913
entitled "An Act for the Abolishment of the Grade Crossings
of Railroads."

Be it enacted by the People of the State of Maine, as follows:

After the word "safety" in the fourth line of Section 1 of
2 said act insert the words 'and convenience;'; also after the
3 word "therefor" in the seventh line of Section 1 of said act
4 insert the words 'or the building of a new crossing,' so that
5 the first section of said act as amended shall read as fol-
6 lows:

'Section 1. The selectmen of a town in which a public way
8 crosses or is crossed by a railroad, may file a petition in

9 writing with the board of railroad commissioners alleging
10 that public safety and convenience requires an abolishment
11 of or an alteration in such crossing, or its approaches; or a
12 change in the method of crossing a public way; on the clos-
13 of a crossing and the substitution of another therefor, or
14 the building of a new crossing, not at grade; or the removal
15 of obstructions to the sight at such crossing, and praying
16 that the same may be ordered; whereupon said commission-
17 ers shall appoint a time and place for a hearing thereon af-
18 ter notice of not less than ten days to the petitioners, the
19 corporation, the municipality in which such crossing is sit-
20 uated, the owners or occupants of the land adjoining such
21 crossing, or adjoining that part of the way to be changed in
22 grade, and to the attorney general of the state, whose duty
23 it shall be by himself or through the county attorney of the
24 county wherein the crossing is located, to represent the in-
25 terests of the state at such hearing. And after such notice
26 and hearing said commissioners shall determine what abol-
27 ishment, alteration, change or removal, if any, shall be made
28 for public safety and by whom such abolishment, alteration,
29 change or removal shall be made. And to facilitate such
30 abolishments, alterations, changes or removals, highways
31 and other ways may be raised or lowered or the courses of
32 the same may be altered to permit a railroad to pass at the
33 side thereof. For the aforesaid purposes land may be taken
34 and damages awarded as provided for laying out highways
35 and other ways. The commissioners shall determine and
36 fix the damages sustained by any person whose land is taken

37 and the special damages which the owner of land adjoining
38 the public way may sustain by reason of any change in the
39 grade of such way. Said commissioners shall apportion
40 such expenses and damages between the state, the town in
41 which the crossing is located, and the corporation owning
42 or operating the railroad which crosses such public way,
43 and shall order twenty-five per cent thereof to be paid by
44 the state, and ten per cent thereof to be paid by the town
45 in which such crossing is located, and the remainder there-
46 of shall be paid by the corporation owning or operating the
47 railroad. While the use of any way is obstructed in car-
48 rying out the foregoing provisions of this section, such tem-
49 porary way shall be provided by the corporation as the com-
50 missioners may order; provided, however, that the commis-
51 sioners shall not make any order upon any petition filed un-
52 der the provisions of this act until they are satisfied, by in-
53 vestigation or otherwise, that the financial condition of the
54 corporation owning or operating the railroad in question will
55 enable said corporation to comply with such order, and that
56 the probable benefit to the public will warrant said order
57 and the probable expense resulting therefrom, and that said
58 order can be complied with without exceeding the state ap-
59 propriation available therefor.'