

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 686

House of Representatives, March 13, 1915.

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

Committee on Reference.

Presented by Mr. Cobb of Denmark.

STATE OF MAINE

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

AN ACT amending Chapter 147 of the Public Laws of 1913
relating to the abolishment of grade crossings of railroads.

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

Section 1. Section 1 of chapter 147 of the public laws
2 of 1913 is hereby amended by striking out the words "select-
3 men of a town" in the first line thereof and substituting
4 therefor the words 'municipal officers of a town or city,'
5 and said section is further amended by striking out the
6 words "board of railroad commissioners" in the third line
7 thereof and substituting therefor the words 'Public Utili-
8 ties Commission,' and said section is further amended by

9 inserting in the eleventh line thereof between the word
10 “petitioners” and the word “the,” the words ‘the state high-
11 way commission,’ so that said section as amended shall read
12 as follows :

‘Section 1. The municipal officers of a town or city in
14 which a public way crosses or is crossed by a railroad, may
15 file a petition in writing with the Public Utilities Commis-
16 sion alleging that public safety requires an abolishment of
17 or an alteration in such crossing, or its approaches; or a
18 change in the method of crossing a public way; or the clos-
19 ing of a crossing and the substitution of another therefor,
20 not at grade; or the removal of obstructions to the sight at
21 such crossing, and praying that the same may be ordered;
22 whereupon said commissioners shall appoint a time and place
23 for a hearing thereon after notice of not less than ten days
24 to the petitioners, the state highway commission, the cor-
25 poration, the municipality in which such crossing is situ-
26 ated, the owners or occupants of the land adjoining such
27 crossing, or adjoining that part of the way to be changed
28 in grade, and to the attorney general of the state, whose
29 duty it shall be by himself or through the county attorney
30 of the county wherein the crossing is located, to represent
31 the interests of the state at such hearing. And after such
32 notice and hearing said commissioners shall determine what
33 abolishment, alteration, change or removal, if any, shall be
34 made for public safety and by whom such abolishment, alter-
35 ation, change or removal shall be made. And to facilitate

36 such abolishments, alterations, changes or removals, high-
37 ways and other ways may be raised or lowered or the
38 courses of the same may be altered to permit a railroad to
39 pass at the side thereof. For the aforesaid purposes land
40 may be taken and damages awarded as provided for laying
41 out highways and other ways. The commissioners shall
42 determine and fix the damages sustained by any person
43 whose land is taken and the special damages which the
44 owner of land adjoining the public way may sustain by
45 reason of any change in the grade of such way. Said com-
46 missioners shall apportion such expenses and damages be-
47 tween the state, the town in which the crossing is located,
48 and the corporation owning or operating the railroad which
49 crosses such public way, and shall order twenty-five per cent
50 thereof to be paid by the state, and ten per cent thereof to
51 be paid by the town in which such crossing is located, and
52 the remainder thereof shall be paid by the corporation own-
53 ing or operating the railroad. While the use of any way
54 is obstructed in carrying out the foregoing provisions of
55 this section, such temporary way shall be provided by the
56 corporation as the commissioners may order; provided, how-
57 ever, that the commissioners shall not make any order upon
58 any petition filed under the provisions of this act until they
59 are satisfied, by investigation or otherwise, that the financial
60 condition of the corporation owning or operating the rail-
61 road in question will enable said corporation to comply with
62 such order, and that the probable benefit to the public will

63 warrant said order and the probable expense resulting there-
64 from, and that said order can be complied with without ex-
65 ceeding the state appropriation available therefor.'

Sect. 2. Section 4 of chapter 147 of the public laws of
2 1913 is hereby amended by striking out after the word
3 "sum" in the third line thereof all of the remaining words
4 of said section and substituting therefor the following words,
5 'shall be annually appropriated,' so that said section as
6 amended shall read as follows:

Sect. 3. The amount to be paid under the provisions of
2 the preceding sections by the state in any one year shall not
3 exceed fifteen thousand dollars and said sum shall be an-
4 nually appropriated.

Sect. 4. Section 6 of chapter 147 of the public laws of
2 1913 is hereby amended by re-numbering said section so that
3 it shall be numbered section 7 instead of section 6.

Sect. 5. Chapter 147 of the public laws of 1913 is hereby
2 amended by adding after section 5 the following section:

'Sect. 6. The state highway commission shall have the
4 same right of petition under this act that is granted to the
5 municipal officers of a town or city and in case of a peti-
6 tion being filed by them in accordance with the provisions
7 of section 1, the municipal officers of any city or town inter-
8 ested in the subject matter of said petition shall be notified
9 by the Public Utilities Commission of the filing of such
10 petition and given opportunity to appear thereon.'