

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 886

House of Representatives, March 20, 1915.

*Reported by Mr. Besse from Committee on Ways and
Bridges and ordered printed under joint rules.*

C. C. HARVEY, Clerk.

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 “se-
3 lectmen of a town” in the first line thereof and substituting
4 therefor the words ‘municipal officers of a town or city’ and
5 said section is further amended by striking out the words
6 “board of railroad commissioners” in the third line thereof
7 and substituting therefor the words ‘Public Utilities Com-
8 mission’ and said section is further amended by inserting in
9 the eleventh line thereof between the word “petitioners” and
10 the word “the,” the words ‘the state highway commission,’

11 so that said section as amended shall read as follows :

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

38 pass at the side thereof. For the aforesaid purposes land
39 may be taken and damages awarded as provided for laying
40 out highways and other ways. The Commissioners shall
41 determine and fix the damages sustained by any person
42 whose land is taken and the special damages which the
43 owner of land adjoining the public way may sustain by rea-
44 son of any change in the grade of such way. Said com-
45 missioners shall apportion such expenses and damages be-
46 tween the state, the town in which the crossing is located,
47 and the corporation owning or operating the railroad which
48 crosses such public way, and shall order twenty-five per
49 cent thereof to be paid by the state, and ten per cent thereof
50 to be paid by the town in which such crossing is located.
51 and the remainder thereof shall be paid by the corporation
52 owning or operating the railroad. While the use of any
53 way is obstructed in carrying out the foregoing provisions
54 of this section, such temporary way shall be provided by the
55 corporation as the commissioners may order; provided,
56 however, that the commissioners shall not make any order
57 upon any petition filed under the provisions of this act
58 until they are satisfied, by investigation or otherwise, that
59 the financial condition of the corporation owning or oper-
60 ating the railroad in question will enable said corporation
61 to comply with such order, and that the probable benefit to
62 the public will warrant said order and the probable expense
63 resulting therefrom, and that said order can be complied

64 with without exceeding the state appropriation available
65 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
5 words ‘shall be annually appropriated,’ so that said section
6 as 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 annu-
4 ally appropriated.

Sect. 4. Section 6 of Chapter 147 of the Public Laws of
2 1913 is hereby amended by re-numbering said section so
3 that 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 petition
6 being filed by them in accordance with the provisions of
7 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 pe-
10 tition and given opportunity to appear thereon.