

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 75

In Senate, Feb. 1, 1917.

Referred to Committee on Public Utilities and one thousand copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

Presented by Lord of York.

STATE OF MAINE

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

AN ACT to amend Section 34 of Chapter 24 of the Revised Statutes relating to highway crossings of railroads.

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

Section 34 of Chapter 24 of the Revised Statutes is hereby
2 amended by striking out of said section the first twenty
3 words thereof and substituting therefor the following: 'Any
4 railroad company, or the municipal officers of a city or town
5 in which a public way crosses or is crossed by a railroad,
6 whether such crossing be at grade or otherwise,' so that
7 said section as amended shall read as follows:

'Sect. 34. Any railroad company, or the municipal officers

2 of a city or town in which a public way crosses
3 or is crossed by a railroad, whether such crossing be
4 at grade or otherwise, may file a petition in writing
5 with the public utilities commission alleging that public
6 safety requires the abolishment of or an alteration in such
7 crossing, or its approaches; or a change in the method of
8 crossing a public way; or the closing of a crossing and the
9 substitution of another therefor, not at grade; or the re-
10 moval of obstructions to the sight at such crossing, and
11 praying that the same may be ordered; whereupon said
12 commission shall appoint a time and place for a hearing
13 thereon after notice of not less than ten days to the peti-
14 tioners, the state highway commission, the corporation, the
15 municipality in which such crossing is situated, the owners
16 or occupants of the land adjoining such crossing, or ad-
17 joining that part of the way to be changed in grade, and to
18 the attorney-general of the state, whose duty it shall be
19 by himself or through the county attorney of the county
20 wherein the crossing is located, to represent the interests
21 of the state at such hearing. After such notice and hearing
22 the commission shall determine what abolishment, altera-
23 tion, change or removal, if any, shall be made for public
24 safety and by whom such abolishment, alteration, change or
25 removal shall be made. To facilitate such abolishments,
26 alterations, changes or removals, highways and other ways
27 may be raised or lowered or the courses of the same may be
28 altered to permit a railroad to pass at the side thereof. For

29 the purposes aforesaid land may be taken and damages
30 awarded as provided for laying out highways and other
31 ways. The commission shall determine and fix the dam-
32 ages sustained by any person whose land is taken and the
33 special damages which the owner of land adjoining the pub-
34 lic way may sustain by reason of any change in the grade of
35 such way. The commission shall apportion such expenses
36 and damages between the state, the town in which the cross-
37 ing is located, and the corporation owning or operating the
38 railroad which crosses such public way, and shall order
39 twenty-five per cent thereof to be paid by the state, ten per
40 cent thereof to be paid by the town in which such crossing
41 is located, and the remainder thereof shall be paid by the
42 corporation owning or operating the railroad. While the
43 use of any way is obstructed in carrying out the foregoing
44 provisions of this section, such temporary way shall be pro-
45 vided by the corporation as the commission may order;
46 provided, however, that the commission shall not make any
47 order upon any petition filed under the provisions of this
48 section until they are satisfied, by investigation or other-
49 wise, that the financial condition of the corporation owning
50 or operating the railroad in question will enable said cor-
51 poration to comply with such order, and that the probable
52 benefit to the public will warrant said order and the probable
53 expense resulting therefrom, and that said order can be
54 compiled with without exceeding the state appropriation
55 available therefor. The state highway commission shall

56 have the same right of petition under this section as the
57 municipal officers of a town or city; and in case a petition
58 is filed by them, the municipal officers of any city or town
59 interested in the subject matter of said petition shall be
60 notified by the public utilities commission of the filing of
61 such petition and given opportunity to appear and be heard
62 thereon.'