

# 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-EIGHTH LEGISLATURE

---

---

SENATE

NO. 77

---

---

*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 Mr. Lord of York.*

---

---

STATE OF MAINE

---

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

---

AN ACT to amend Section 30 of Chapter 24 of the Revised Statutes relating to the crossing of railroad tracks by town ways and highways.

---

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

Section 30, Chapter 24, of the Revised Statutes is hereby  
2 amended as follows: Strike out all of said section and sub-  
3 stitute therefor the following, to wit:

‘Sect. 30. Town ways and highways may be laid out  
2 across, over or under any railroad track, except that no  
3 such location shall be legal or effective, nor shall any such

4 way be constructed, unless the Public Utilities Commission,  
5 on application of the municipal officers of the city or town,  
6 wherein such way is located, or of the parties owning or  
7 operating the railroad, shall, upon notice and hearing, de-  
8 termine that such way shall be permitted to cross such track.  
9 Said commission shall have the right to refuse its said per-  
10 mission or to grant the same upon such terms and condi-  
11 tions as it may prescribe including the manner and condi-  
12 tions in accordance with which the way may cross such track  
13 and whether the expense of building and maintaining so  
14 much of said way as is within the limits of such railroad  
15 shall be borne by such railroad company, or by the city or  
16 town in which such way is located, or shall be apportioned  
17 between such company and city or town as may be deter-  
18 mined by said commission. Said commission shall make a  
19 report in writing of its decision thereupon, file the same in  
20 its office and cause to be sent by mail or otherwise to each  
21 of the railroad corporations, and the municipal officers of  
22 the city or town as the case may be, interested therein, a  
23 copy of such decision. Such decision shall be final and  
24 binding upon all parties unless an appeal therefrom shall  
25 be taken and entered at the next succeeding term of the  
26 supreme judicial court, to be held in the county where the  
27 crossing is located, more than thirty days after the date  
28 of the filing of the report; and said Public Utilities Com-  
29 mission shall be made a party defendant in such appeal and  
30 entitled to be heard in all subsequent proceedings had upon

31 such appeal. The appellant shall within fourteen days from  
32 the date of the filing of such report, file in the office of the  
33 Public Utilities Commissions its reasons for appeal and four-  
34 teen days at least before the sitting of the appellate court  
35 it shall be caused to be served upon such other interested  
36 corporations or municipality a copy of such reasons for  
37 appeal certified by the clerk of the Public Utilities Commis-  
38 sion. The presiding justice at such term of court shall  
39 make such order or decree thereon as law and justice may  
40 require. Exceptions may be taken to such order or decree.  
41 The final adjudication shall be recorded as provided in sec-  
42 tion 33 of this chapter and a copy of such final decision sent  
43 to the Public Utilities Commission by the clerk of the court  
44 where such final adjudication is made. Costs may be taxed  
45 and allowed to either party at the discretion of the court.'