

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 235

In Senate, Feb. 27, 1917.

*Reported by Mr. Lord from Committee on Public Utilities
and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to Amend Section Thirty-four of Chapter Twenty-four of the Revised Statutes Relating to Highway Crossings of Railroads.

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

Section thirty-four of chapter twenty-four of the revised
2 statutes is hereby amended by striking out of said section
3 the first twenty words thereof and substituting therefor the
4 following: 'Any railroad company, or the municipal officers
5 of a city or town in which a public way crosses or is crossed
6 by a railroad, whether such crossing be at grade or other-

7 wise,' so that said section as amended shall read as follows:

'Sect. 34. Any railroad company, or the municipal offi-
2 cers of a city or town in which a public way crosses or is
3 crossed by a railroad, whether such crossing be at grade
4 or otherwise, may file a petition in writing with the public
5 utilities commission alleging that public safety requires the
6 abolishment of or an alteration in such crossing, or its ap-
7 proaches; or a change in the method of crossing a public
8 way; or the closing of a crossing and the substitution of
9 another therefor or the removal of obstructions to the sight
10 at such crossing, and praying that the same may be or-
11 dered; whereupon said commission shall appoint a time and
12 place for a hearing thereon after notice of not less than
13 ten days to the petitioners, the state highway commission,
14 the corporation, the municipality in which such crossing is
15 situated, the owners or occupants of the land adjoining such
16 crossing, or adjoining that part of the way to be changed
17 in grade, and to the attorney-general of the state, whose
18 duty it shall be by himself or through the county attorney
19 of the county wherein the crossing is located, to represent
20 the interests of the state at such hearing. After such no-
21 tice and hearing the commission shall determine what abol-
22 ishment, alteration, change or removal, if any, shall be
23 made for public safety and by whom such abolishment,
24 alteration, change or removal shall be made. To facilitate
25 such abolishments, alterations, changes or removals, high-
26 ways and other ways may be raised or lowered or the

27 courses of the same may be altered to permit a railroad to
28 pass at the side thereof. For the purposes aforesaid land
29 may be taken and damages awarded as provided for laying
30 out highways and other ways. The commission shall de-
31 termine and fix the damages sustained by any person whose
32 land is taken and the special damages which the owner of
33 land adjoining the public way may sustain by reason of
34 any change in the grade of such way. The commission
35 shall apportion such expenses and damages between the
36 state, the town in which the crossing is located, and the
37 corporation owning or operating the railroad which crosses
38 such public way, and shall order twenty-five per cent there-
39 of to be paid by the state, ten per cent thereof to be paid
40 by the town in which such crossing is located, and the re-
41 mainder thereof shall be paid by the corporation owning
42 or operating the railroad. While the use of any way is
43 obstructed in carrying out the foregoing provisions of this
44 section, such temporary way shall be provided by the cor-
45 poration as the commission may order; provided, however,
46 that the commission shall not make any order upon any
47 petition filed under the provisions of this section until they
48 are satisfied, by investigation or otherwise, that the finan-
49 cial condition of the corporation owning or operating the
50 railroad in question will enable said corporation to comply
51 with such order, and that the probable benefit to the public
52 will warrant said order and the probable expense resulting
53 therefrom, and that said order can be complied without

54 exceeding the state appropriation available therefor. The
55 state highway commission shall have the same right of peti-
56 tion under this section as the municipal officers of a town
57 or city; and in case a petition is filed by them, the municipi-
58 pal officers of any city or town interested in the subject
59 matter of said petition shall be notified by the Public Utili-
60 ties Commission of the filing of such petition and given
61 opportunity to appear and be heard thereon.'