

# MAINE STATE LEGISLATURE

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# EIGHTY-SECOND LEGISLATURE

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**S. P. No. 464**

**S. D. No. 174**

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In Senate, March 10, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Roberts of York.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-FIVE

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AN ACT to Amend Section Thirty of Chapter Twenty-four of the Revised Statutes as Amended by Chapter Thirty-seven of the Public Laws of Nineteen Hundred and Seventeen.

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

Section thirty of chapter twenty-four of the revised statutes as amended by chapter thirty-seven of the public laws of nineteen hundred and seventeen is hereby further amended by inserting after the word "track" in the seventh line thereof the words "The state highway commission shall have the same right of petition under this section as the municipal officers of a town or city; and in case a petition is filed by them, the municipal officers of any city or town interested in the subject matter of said petition shall be notified

10 by the public utilities commission of the filing of said peti-  
11 tion, and be given opportunity to appear and be heard  
12 thereon.'

Said section is further amended by inserting after the word  
2 "said" in said seventh line the words 'public utilities.'

Said section is further amended by inserting in the tenth  
2 line after the word "and" the words 'may determine.'

Said section is further amended by inserting in the thir-  
2 teenth line thereof after the word "located" the words 'or  
3 by the state of Maine.'

Said section is further amended by striking out in the thir-  
2 teenth and fourteenth lines the words "or shall be appor-  
3 tioned between such company and city or town as may be  
4 determined by said commission" and inserting in place there-  
5 of the words 'or said public utilities commission may appor-  
6 tion such expense equitably between such railroad com-  
7 pany, city, town or state.'

Said section is further amended by inserting in the fif-  
2 teenth line before the word "commission" the words 'public  
3 utilities.'

Said section is further amended by inserting in the eigh-  
2 teenth line thereof after the word "therein" the words 'and  
3 the state highway commission.'

Said section is further amended by inserting in the twenty-  
2 eight line after the word "municipality" the words 'or state  
3 highway commission when interested,' so that said section  
4 as amended shall read as follows:

'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  
9 track. The state highway commission shall have the same  
10 right of petition under this section as the municipal officers  
11 of a town or city; and in case a petition is filed by them,  
12 the municipal officers of any city or town interested in the  
13 subject matter of said petition shall be notified by the pub-  
14 lic utilities commission of the filing of said petition, and  
15 be given opportunity to appear and be heard thereon. Said  
16 public utilities commission shall have the right to refuse  
17 its said permission or to grant the same upon such terms  
18 and conditions as it may prescribe including the manner  
19 and conditions in accordance with which the way may  
20 cross such track and may determine whether the expense  
21 of building and maintaining so much of said way as is  
22 within the limits of such railroad shall be borne by such  
23 railroad company, or by the city or town in which such  
24 way is located, or by the state of Maine, or said public  
25 utilities commission may apportion such expense equitably  
26 between such railroad company, and the city, town, or state.  
27 Said public utilities commission shall make a report in writ-  
28 ing of its decision thereupon, file the same in its office and

29 cause to be sent by mail or otherwise to each of the rail-  
30 road corporations, and the municipal officers of the city or  
31 town as the case may be, interested therein, and the state  
32 highway commission when interested, a copy of such de-  
33 cision. Such decision shall be final and binding upon all  
34 parties unless an appeal therefrom shall be taken and en-  
35 tered at the next succeeding term of the supreme judicial  
36 court, to be held in the county where the crossing is located,  
37 more than thirty days after the date of the filing of the  
38 report; and said public utilities commission shall be made  
39 a party defendant in such appeal and entitled to be heard  
40 in all subsequent proceedings had upon such appeal. The  
41 appellant shall within fourteen days from the date of the  
42 filing of such report, file in the office of the public utilities  
43 commission its reason for appeal and fourteen days at least  
44 before the sitting of the appellate court it shall cause to  
45 be served upon such other interested corporations or mu-  
46 nicipality or state highway commission a copy of such rea-  
47 sons for appeal certified by the clerk of the public utilities  
48 commission. The presiding justice at such term of court  
49 shall make such order or decree thereon as law and justice  
50 may require. Exceptions may be taken to such order or  
51 decree. The final adjudication shall be recorded as pro-  
52 vided in section thirty-three of this chapter and a copy of  
53 such final decision sent to the public utilities commission  
54 by the clerk of the court where such final adjudication is  
55 made. Costs may be taxed and allowed to either party at  
56 the discretion of the court.'