

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - THIRD LEGISLATURE

Senate Document

No. 334

S. P. 580

In Senate, April 1, 1927.

Reported by Senator Drake from Committee on Public Utilities and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

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

AN ACT to Amend Section Thirty-four of Chapter Twenty-four of the Revised Statutes, as Amended, Relative to the Abolishment of Grade Crossings.

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

Section thirty-four of chapter twenty-four, as amended by 2 chapter thirty-eight of the public laws of nineteen hundred 3 seventeen and by chapter ninety-one of the public laws of 4 nineteen hundred twenty-five, is hereby further amended by 5 adding after the word "railroad" in the thirty-second line 6 thereof, the words, 'but the commission may approve agree- 7 ments made by the railroad or other persons interested, vary- 8 ing the above percentages, provided the amount to be paid 9 by the state shall not exceed the twenty-five per cent herein

10 specified, and the amount to be paid by the town shall not
11 exceed the ten per cent herein specified, unless the town
12 shall otherwise vote,' so that said section, as amended, shall
13 read as follows:

'Sect. 34. The municipal officers of a town or city in
2 which a public way crosses or is crossed by a railroad, may
3 file a petition in writing with the public utilities commission
4 alleging that public safety requires the abolishment of or
5 an alteration in such crossing, or its approaches; or a change
6 in the method of crossing a public way; or the closing of
7 a crossing and the substitution of another therefor, not at
8 grade; or the removal of obstructions to the right at such
9 crossing, and praying that the same may be ordered; where-
10 upon said commission shall appoint a time and place for
11 a hearing thereon after notice of not less than ten days to
12 the petitioners, the state highway commission, the corpo-
13 ration, the municipality in which such crossing is situated,
14 the owners or occupants of the land adjoining such cross-
15 ing, or adjoining that part of the way to be changed in grade,
16 and to the attorney general of the state, whose duty it shall
17 be by himself or through the county attorney of the county
18 wherein the crossing is located, to represent the interests
19 of the state at such hearing. After such notice and hear-
20 ing the commission shall determine what abolishment, alter-
21 ation, change or removal, if any, shall be made for public
22 safety and by whom such abolishment, alteration, change
23 or removal shall be made. To facilitate such abolishments,

24 alterations, changes or removals, highways and other ways
25 may be raised or lowered or the courses of the same may
26 be altered to permit a railroad to pass at the side thereof.
27 For the purposes aforesaid land may be taken and damages
28 awarded as provided for laying out highways. The com-
29 mission shall determine how much land may be taken and
30 shall fix the damages sustained by any person whose land
31 is taken and the special damages which the owner of land
32 adjoining the public way may sustain by reason of any
33 change in the grade of such way; appeal from any decision,
34 order or award of the commission may be had as provided
35 in section thirty-six of said chapter twenty-four. The com-
36 mission shall apportion such expenses and damages between
37 the state, the town in which the crossing is located, and the
38 corporation owning or operating the railroad which crosses
39 such public way, and shall order twenty-five per cent there-
40 of to be paid by the state, ten per cent thereof to be paid
41 by the town in which such crossing is located, and the re-
42 mainder thereof shall be paid by the corporation owning or
43 operating the railroad, but the commission may approve
44 agreements made by the railroad or other persons interested,
45 varying the above percentages, provided the amount to be
46 paid by the state shall not exceed the twenty-five per cent
47 herein specified, and the amount to be paid by the town
48 shall not exceed the ten per cent herein specified, unless
49 the town shall otherwise vote. While the use of any way
50 is obstructed in carrying out the foregoing provisions of

51 this section, such temporary way shall be provided by the
52 corporation as the commission may order; provided, how-
53 ever, that the commission shall not make any order upon
54 any petition filed under the provisions of this section until
55 they are satisfied, by investigation or otherwise, that the
56 financial condition of the corporation owning or oper-
57 ating the railroad in question will enable said corporation
58 to comply with such order, and that the probable benefit to
59 the public will warrant said order and the probable expense
60 resulting therefrom, and that said order can be complied
61 with without exceeding the state appropriation available
62 therefor. The state highway commission shall have the
63 same right of petition under this section as the municipal
64 officers of a town or city; and in case a petition is filed by
65 them, the municipal officers of any city or town interested
66 in the subject matter of said petition shall be notified by the
67 public utilities commission of the filing of such petition and
68 given opportunity to appear and be heard thereon.'