

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 138

H. P. 428

House of Representatives, Jan. 31, 1929.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Hammond of Van Buren.

STATE OF MAINE

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

AN ACT Relating to the Taking of Additional land by Railroad Corporations; proceedings before Public Utilities Commission.

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

That section twenty-six, chapter fifty-six of the revised 2 statutes of Maine, revision of 1916, as amended by chapter 3 one hundred fifty-four of the public laws of 1925, be hereby 4 amended by striking out that part of the first sentence of 5 said section which reads: "Any railroad corporation may 6 also purchase or take and hold, as for public uses, addi- 7 tional land at any time required for improving the align- 8 ment or grades of its road, or for double tracking its road,

9 or for protecting the tracks against erosion of adjoining or
10 adjacent land or against the action of the elements, also land
11 for borrow and gravel pits, necessary tracks, side-tracks,
12 spur tracks, stations, coal-sheds, wood-sheds, water-tanks,
13 repair-shops, car, engine, freight and section houses and
14 section dwelling houses, which the public utilities commis-
15 sion, after hearing, shall find to be reasonably required in
16 the safe, economical and efficient operation of the railroad
17 and in rendering of adequate common carrier service to the
18 public"; and by substituting therefor the following: 'Any
19 railroad corporation may also purchase or take and hold,
20 as for public uses, additional land, or rights therein, at any
21 time required for improving the alignment or grades of its
22 road, or for double tracking its road, or for protecting the
23 tracks against erosion of adjoining or adjacent land or
24 against the action of the elements, or reasonably necessary
25 in the enhancement of public safety at dangerous curves
26 or crossings; also land, or rights therein, for borrow, ballast
27 and gravel pits, necessary tracks, side-tricks, spur tracks,
28 freight or passenger yards, stations, station grounds, ap-
29 proaches to stations and station grounds and to other facili-
30 ties furnished by the railroad for public use, coal-sheds,
31 wood-sheds, water tanks, repair-shops, car, engine, freight
32 and section houses, section dwelling houses and storage
33 warehouses or other structures, which the public utilities
34 commission, after hearing, shall find to be reasonably re-
35 quired in the safe, economical and efficient operation of the

36 railroad and in rendering of adequate common carrier serv-
37 ice to the public'; so that said section as amended shall read
38 as follows:

'Sect. 26. Any railroad corporation may also purchase
2 or take and hold, as for public uses, additional land, or
3 rights therein, at any time required for improving the align-
4 ment or grades of its road, or for double tracking its road,
5 or for protecting the tracks against erosion of adjoining
6 or adjacent land or against the action of the elements, or
7 reasonably necessary in the enhancement of public safety
8 at dangerous curves or crossings; also land, or rights there-
9 in, for borrow, ballast and gravel pits, necessary tracks,
10 side-tracks, spur tracks, freight or passenger yards, stations,
11 station grounds, approaches to stations and station grounds
12 and to other facilities furnished by the railroad for public
13 use, coal-sheds, wood-sheds, water-tanks, repair-shops, car,
14 engine, freight and section houses, section dwelling houses
15 and storage warehouses or other structures, which the pub-
16 lic utilities commission, after hearing, shall find to be rea-
17 sonably required in the safe, economical and efficient opera-
18 tion of the railroad and in rendering of adequate common
19 carrier service to the public; but if the owner or owners of
20 said land do not consent thereto, or if the parties do not
21 agree as to the necessity therefor, or as to the area to be
22 taken, or if the parties are unable to agree as to the fair
23 value of said land, the corporation may make written appli-
24 cation to the public utilities commission requesting its ap-

25 proval of the taking by said railroad corporation for any
26 of the above named public uses, describing the estate and
27 naming the persons interested; the commission shall there-
28 upon appoint a time for the hearing near the premises, and
29 require notice to be given to the persons interested, as they
30 may direct, fourteen days at least before said time; the
31 commission shall then view the premises, hear the parties
32 and determine how much, if any, of such real estate should
33 be taken for the reasonable accommodation of the traffic,
34 the safe operation of the railroad, and the appropriate busi-
35 ness of the corporation. If they find that any of it is so
36 necessary, they shall make a certificate containing a definite
37 description thereof and furnish the corporation with a true
38 copy thereof, attested by the clerk of the commission; and
39 when such copy of the certificate is filed with the clerk of
40 courts in the county where the land lies, the land shall be
41 deemed and treated as taken; provided, however, that when
42 land is held by a tenant for life, and the reversion is con-
43 tingent as to the persons in whom it may vest on the termi-
44 nation of the life estate, such fact shall be stated in the
45 application, and the commission shall, in addition to the
46 notice to the tenant for life, give notice by publication to all
47 others interested, in such manner as they deem proper.'