

# MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

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Senate Document

No. 117

S. P. 322.

In Senate, Feb. 6, 1929.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Weatherbee of Penobscot.

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STATE OF MAINE

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

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AN ACT Relating to the Location of Ways Crossing Railroad  
Tracks and Station Grounds.

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

Section 1. Section thirty of chapter twenty-four of the  
2 revised statutes, as amended by chapter thirty-seven of the  
3 public laws of one thousand nine hundred seventeen, and  
4 by chapter one hundred twelve of the public laws of one  
5 thousand nine hundred twenty-five is hereby further amend-  
6 ed by striking out all of said section and substituting in lieu  
7 thereof the following:

'Sect. 30. Town ways and highways may be laid out  
2 across, over or under any railroad track, or through or

3 across any land or right of way of any railroad corporation  
4 used for station purposes, except that no such location shall  
5 be legal or effective, nor shall any such way be constructed,  
6 unless the public utilities commission, on application of the  
7 municipal officers of the city or town wherein such way is  
8 located, the state highway commission or the parties own-  
9 ing or operating the railroad, shall, upon notice and hearing,  
10 determine that such way shall be permitted to cross such  
11 track or land or right of way of any railroad corporation  
12 used for station purposes. Said public utilities commission  
13 shall have the right to refuse its said permission or to grant  
14 the same upon such terms and conditions as it may pre-  
15 scribe, including the manner and conditions in accordance  
16 with which the way may cross such track or land or right  
17 of way of any railroad corporation used for station pur-  
18 poses and may determine whether the expense of building  
19 and maintaining so much of said way as is within the limits  
20 of such railroad corporation shall be borne by such railroad  
21 corporation, or by the city or town in which such way is  
22 located, or by the state of Maine, or said public utilities  
23 commission may apportion such expense equitably between  
24 such railroad corporation, and the city, town or state. Said  
25 public utilities commission shall make a report in writing of  
26 its decision thereupon, file the same in its office and cause to  
27 be sent by mail or otherwise to each of the railroad cor-  
28 porations, and the municipal officers of the city or town as  
29 the case may be, interested therein, and the state highway

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

Sect. 2. Section thirty-two of chapter twenty-four of the  
2 revised statutes is hereby repealed.