

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 177

S. P. 445

In Senate, Feb. 15, 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.

STATE OF MAINE

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

AN ACT to Amend Section Thirty-four, Chapter Twenty-four of the Revised Statutes, as Amended, 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, as amended by chapter thirty-eight of the public 3 laws of nineteen hundred and seventeen and by chapter 4 ninety-one of the public laws of nineteen hundred and 5 twenty-five and by chapter one hundred seventy-five of the 6 public laws of nineteen hundred and twenty-seven is hereby 7 further amended by striking out all of said section and sub- 8 stituting in lieu thereof the following:

‘Sect. 34. Any railroad company, the state highway com-
2 mission, or the municipal officers of a city or town in which
3 a public way crosses or is crossed by a railroad, whether
4 such crossing be at grade or otherwise, may file a petition
5 in writing with the public utilities commission alleging that
6 public safety requires the abolishment of or an alteration in
7 such crossing, or its approaches; or a change in the method
8 of crossing a public way; or the closing of a crossing and
9 the substitution of another therefor; or the removal of
10 obstructions to the sight at such crossing; and praying that
11 the same may be ordered; whereupon said commission shall
12 appoint a time and place for a hearing thereon after notice
13 of not less than ten days to the petitioners, the state high-
14 way commission, the railroad corporation, the municipality
15 in which such crossing is situated, the owners or occupants
16 of the land adjoining such crossing, or adjoining that part
17 of the way to be changed in grade, and to the attorney
18 general of the state whose duty it shall be by himself or
19 through the county attorney of the county wherein the cross-
20 ing is located to represent the interests of the state at such
21 hearing. After such notice and hearing the commission
22 shall determine what abolishment, alteration, change or re-
23 moval, if any, shall be made for public safety and by whom
24 such abolishment, alteration, change or removal shall be
25 made. To facilitate such abolishments, alterations, changes
26 or removals, highways and other ways may be raised or
27 lowered or the courses of the same may be altered to per-

28 mit a railroad to pass at the side thereof. For the purposes
29 aforesaid land may be taken and damages awarded as pro-
30 vided for laying out highways. The commission shall de-
31 termine how much land may be taken and shall fix the
32 damages sustained by any person whose land is taken and
33 the special damages which the owner of land adjoining the
34 public way may sustain by reason of any change in the
35 grade of such way; appeal from any decision, order or
36 award of the commission may be had as provided in sec-
37 tion thirty-six of said chapter twenty-four. The commis-
38 sion shall apportion such expenses and damages between
39 the state, the town in which the crossing is located, and the
40 corporation owning or operating the railroad which crosses
41 such public way, and shall order twenty-five per cent there-
42 of to be paid by the state, ten per cent thereof to be paid
43 by the town in which such crossing is located, and the re-
44 mainder thereof shall be paid by the corporation owning or
45 operating the railroad, but the commission may approve
46 agreements made by said corporation or other persons in-
47 terested, varying the above percentages, provided the amount
48 to be paid by the state shall not exceed the twenty-five per
49 cent herein specified, and the amount to be paid by the town
50 shall not exceed the ten per cent herein specified, unless the
51 town shall otherwise vote. While the use of any way is
52 obstructed in carrying out the foregoing provisions of this
53 section, such temporary way shall be provided as the com-
54 mission may order; provided, however, that the commis-

55 sion shall not make any order upon any petition filed under
56 the provisions of this section until they are satisfied, by
57 investigation or otherwise, that the financial condition of
58 the corporation owning or operating the railroad in question
59 will enable said corporation to comply with such order, and
60 that the probable benefit to the public will warrant said
61 order and the probable expense resulting therefrom, and
62 that said order can be complied with without exceeding the
63 state appropriation available therefor.'