

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 641

S. P. 480

In Senate, Feb. 18, 1931.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Kitchen of Aroostook.

STATE OF MAINE

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

AN ACT Relative to the Abolishment or Alteration of Grade
Crossings.

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

Section thirty-nine of chapter twenty-seven of the Revised Statutes is hereby amended by striking out after the word "railroad" in the thirty-fourth line thereof, the words, "but the commission may approve agreements made by said corporation or other persons interested, varying the above percentages, provided the amount to be paid by the state shall not exceed the twenty-five per cent herein specified, and the amount to be paid by the town shall not exceed the ten per cent herein specified unless the town shall otherwise vote", and inserting in place thereof the words, 'but the commission may approve agreements made by the corporation or other parties interested, including the state, acting by and through the state highway commission, varying the above percentages, provided the amount to be paid by the town shall not exceed the ten per cent herein specified unless the town shall otherwise vote', so that said section, as amended, shall read as follows:

'Sec. 39. Any railroad company, the state highway commission, or the municipal officers of a city or town in which a public way crosses or is crossed by a railroad, whether such crossing be at grade or otherwise, may file a petition in writing

with the public utilities commission alleging that public safety requires the abolishment of or an alteration in such crossing, or its approaches; or a change in the method of crossing a public way; or the closing of a crossing and the substitution of another therefor; or the removal of obstructions to the sight at such crossing, and praying that the same may be ordered; whereupon said commission shall appoint a time and place for a hearing thereon after notice of not less than ten days to the petitioners, the state highway commission, the railroad corporation, the municipality in which such crossing is situated, the owners or occupants of the land adjoining such crossing, or adjoining that part of the way to be changed in grade, and to the attorney-general of the state, whose duty it shall be by himself or through the county attorney of the county wherein the crossing is located, to represent the interests of the state at such hearing. After such notice and hearing the commission shall determine what abolishment, alteration, change, or removal, if any, shall be made for public safety and by whom such abolishment, alteration, change, or removal shall be made. To facilitate such abolishments, alterations, changes, or removals, highways and other ways may be raised or lowered or the courses of the same may be altered to permit a railroad to pass at the side thereof. For the purposes aforesaid land may be taken and damages awarded as provided for laying out highways. The commission shall determine how much land may be taken and shall fix the damages sustained by any person whose land is taken and the special damages which the owner of land adjoining the public way may sustain by reason of any change in the grade of such way; appeal from any decision, order, or award of the commission may be had as provided in section forty-one. The commission shall apportion such expenses and damages between the state, the town in which the crossing is located, and the corporation owning or operating the railroad which crosses such public way, and shall order twenty-five per cent thereof to be paid by the state, ten per cent thereof to be paid by the town in which such crossing is located, and the remainder thereof shall be paid by the corporation owning or operating the railroad; but the commission may approve agreements made by the corporation or other parties interested, including the state, acting by and through the state highway commis-

sion, varying the above percentages provided the amount to be paid by the town shall not exceed the ten per cent herein specified unless the town shall otherwise vote. While the use of any way is obstructed in carrying out the foregoing provisions of this section, such temporary way shall be provided by the corporation as the commission may order; provided, however, that the commission shall not make any order upon any petition filed under the provisions of this section until they are satisfied, by investigation or otherwise, that the financial condition of the corporation owning or operating the railroad in question will enable said corporation to comply with such order, and that the probable benefit to the public will warrant said order and the probable expense resulting therefrom, and that said order can be complied with without exceeding the state appropriation available therefor.'