

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
1887.

ACTS AND RESOLVES

OF THE

SIXTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1889.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1889.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1889.

CHAP. 282

—penalty for violation.

SECT. 2. Any company or officer or agent thereof violating any of the provisions of this act shall be punished by a fine of not more than five hundred dollars for each offense; and the insurance commissioner may revoke the license of any agent convicted of a violation of the provisions of that act.

Approved March 9, 1889.

Chapter 282.

An Act additional to and amendatory of Chapters three hundred and ten and three hundred and twelve of Laws of eighteen and eighty-five, relating to Railroad Crossings.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Sec. 27, ch. 18, R. S. as amended by ch. 310, laws of 1885, further amended.

SECT. 1. Section twenty-seven of chapter eighteen as amended by chapter three hundred and ten of laws of eighteen hundred and eighty-five, is hereby amended, so as to read as follows :

Ways crossing railroad tracks, how laid out.

‘SECT. 27. Town ways and highways may be laid out across, over, or under any railroad track, in the same manner as other town ways and highways, except that before such way shall be constructed, the railroad commissioners, on application of the municipal officers of the city or town wherein such way is located, or of the parties owning or operating the railroad, shall upon notice and hearing, determine whether the way shall be permitted to cross such track at grade therewith or not, and the manner and condition of crossing the same, and the expense of building and maintaining so much thereof as is within the limits of such railroad shall be borne by such railroad company, or by the city or town in which such way is located, or shall be apportioned between such company and city or town, as may be determined by said railroad commissioners. Said commissioners shall make a report in writing of their decision thereupon to the supreme judicial court at its next succeeding term to be held in the county wherein such crossing is situated, and shall also make a report of such rulings, proofs, and proceedings as either party desires, or as they deem necessary for a full understanding of the case. The presiding justice at such

—manner and conditions of crossing, to be determined by R. R. Commissioners.

—expense of building, how borne.

—commissioners shall report to the S. J. Court.

CHAP. 282

term of court may accept, reject, or recommit said report, or send the case to a new commission, or make such other order or decree as law or justice may require, and to his ruling or order, either party may file exceptions. The final adjudication in such cases shall be recorded as provided in section thirty of this chapter. Costs may be taxed and allowed to either party at the discretion of the court.'

—presiding justice may accept, reject or recommit report, or send case to a new commission, etc
—either party may file exceptions
—costs.

SECT. 2. Section twenty-eight of chapter fifty-one of the Revised Statutes, as amended by chapter three hundred and twelve of laws of eighteen hundred and eighty-five, is hereby amended, so as to read as follows :

Sec. 28, ch. 51, as amended by ch. 312, laws of 1885, further amended.

'SECT. 28. Railroads may cross highways or townways in the line of the railroad, but cannot pass along them without leave of the town, but when a railroad is hereafter laid out across a highway or other public way, it shall be constructed so as to pass either over or under such way, unless the railroad commissioners after notice and hearing authorize a crossing at grade. Before entering upon the construction of any railroad, the manner and conditions of crossing shall be determined as provided by section twenty-seven of chapter eighteen as amended. But no crossing of a street in a city, not a highway, shall be made without the written consent of the mayor and aldermen. Crossings not so made are nuisances, and may be so treated, and the directors of railroad corporations making them, are personally liable.'

Crossings of highways and streets, how made.

SECT. 3. Highways and other ways may be raised or lowered for the purpose of permitting a railroad to pass over or under same, or the course of the same may be altered so as to facilitate such crossing, or to permit a railroad to pass at the side thereof, on application to the railroad commissioners, and proceeding as provided by section twenty-seven of chapter eighteen as amended by this act, and for such purpose, land may be taken and damages awarded as provided for laying out highways and other ways.

Ways may be raised or lowered, etc., on application to R. R. commissioners.

—proceedings.