

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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

AUGUSTA
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1899.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1899.

Chapter 73.

An Act to amend Chapter two hundred and eighty-two of the laws of eighteen hundred and eighty-nine, relating to Railroad Crossings.

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

Chapter 282,
public laws
1889,
amended.

Section 1. Section twenty-seven of chapter eighteen, as amended by chapter two hundred and eighty-two of the laws of eighteen hundred and eighty-nine, is hereby amended, so as to read as follows:

Ways,
crossing
railroad
tracks, how
laid out.

'Section 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 conditions 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, file the same in their office and cause to be sent by mail or otherwise to each of the railroad corporations, and the municipal officers of the city or town as the case may be, interested therein, a copy of such decision. Such decision shall be final and binding upon all parties unless an appeal therefrom shall be taken and entered to the next succeeding term of the supreme judicial court, to be held in the county where the crossing is located, more than thirty days after the date of the filing of the report. The appellant shall within fourteen days from the date of the filing of such report, file in the office of the board of railroad commissioners, its reasons for appeal and fourteen days at least before the sitting of the appellate court, it shall cause to be served upon such other interested corporations or municipality a copy of such reasons for appeal, certified by the clerk of the board of railroad commissioners. The presiding justice, at such term of court, shall make such order or decree thereon as law and justice may require. Exceptions may be taken to such order or decree. The final adjudication 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.'

—manner
and condi-
tions of
crossing, to
be deter-
mined by
railroad
commis-
sioners.

—expense
of building,
how borne.

—commis-
sioners
shall report
to railroad
corpora-
tions and
municipal
officers.

—appeal
may be
taken to
supreme
judicial
court.

—presiding
justice may
make such
order as
law and
justice
require.

—costs,
how taxed.

Section 2. Section three of chapter two hundred and eighty-two of the laws of eighteen hundred and eighty-nine is hereby amended, so as to read as follows :

'Section 3. Highways and other ways may be raised or lowered for the purpose of permitting a railroad to pass over or under the same, or the course of the same may be altered so as to facilitate any 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 purposes, land may be taken and damages awarded as provided for laying out highways and other ways.'

Section 3,
amended.

Ways may
be raised
or lowered,
on applica-
tion to
railroad
commis-
sioners.

Section 3. This act shall take effect when approved.

Approved March 15, 1899.

Chapter 74.

An Act to amend Section three of Chapter two hundred and sixteen, Public Laws of eighteen hundred and ninety-three, as amended by Chapter two hundred and ninety-five, Public Laws of eighteen hundred and ninety-seven, relating to discontinuing schools and conveying school children.

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

Section three of chapter two hundred and sixteen, public laws of eighteen hundred and ninety-three, as amended by chapter two hundred and ninety-five, public laws of eighteen hundred and ninety-seven, is hereby further amended by inserting after the word "as," in the last line of section three, the words 'in the judgment of the superintending school committee shall,' and striking out the word "to" before the words "render such conveyance necessary," so that said section, when amended, shall read as follows :

'Section 3. This act shall not abolish or change the location of any school legally established at the time of its passage ; but any town at its annual meeting, or at a meeting called for the purpose, may determine the number and location of its schools, and may discontinue them or change their location ; but such discontinuance or change of location shall be made only on the written recommendation of the superintending school committee, and on conditions proper to preserve the just rights and privileges of the inhabitants for whose benefit such schools were established ; provided, however, that in case of any school having, as now established, or which shall hereafter have, too few scholars for its profitable maintenance, the superintending

Section 3,
chapter 216,
public laws
1893, as
amended by
chapter 295,
laws of
1897, further
amended.

Act shall
not change
location of
any school
legally es-
tablished.

—towns may
determine
number and
location, on
recommen-
dation of
school com-
mittee.

—operation
of schools
in small dis-
tricts may
be sus-
pended.