

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-THIRD LEGISLATURE  
OF THE  
STATE OF MAINE  
1907.

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

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

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Chapter 132.

An Act relating to locations of Street Railroads.

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

Section I. Whenever any street railroad corporation is required to obtain the written approval of its proposed route and location, or of any extension of the same, as to streets, roads or ways, of the municipal officers of the cities and towns in which said railroad is to be constructed in whole or in part it shall make an application in writing and such municipal officers shall order public hearing thereon, giving such notice thereof as they deem proper but in no case less than seven days. Such notice shall contain a copy of such written application and warn the legal voters of such city or town to be present and be heard thereon. After hearing and within fourteen days after the filing of such application, such municipal officers shall file their decision thereon with the clerk of the city or town who shall make due record thereof. Any contract entered into between any such street railroad corporation and such municipal officers as to the terms, conditions and obligations under which such location is approved so far as consistent with the powers and duties of the railroad commissioners under the general laws of the state shall be valid and binding. If the municipal officers upon such written application therefor neglect to approve a route and location as to streets, roads or ways, or if they refuse to approve such a route and location, or if such route and location is not accepted by the corporation, in either case said corporation may within fourteen days after the expiration of the time for filing such decision, or within fourteen days after the filing thereof, appeal to the railroad commissioners. A failure to appeal shall not bar the corporation from making a new application to municipal officers. Any person or corporation claiming to be interested may appeal to the railroad commissioners within said fourteen days from any decision made by the municipal officers. In all such appeals the appellant shall file his appeal in writing in the office of the board of railroad commissioners who shall appoint a day for a hearing thereon and the appellant shall give such notice thereof as said commissioners deem reasonable and proper in order that all persons interested may have an opportunity to appear and object thereto. After hearing, the said commissioners shall make decision thereon and cause record thereof to be made in their office in lieu of the approval of the municipal officers. This act shall not apply to any location which has been heretofore approved by the proper municipal officers.

Shall make application in writing.

—municipal officers shall order public hearing.

—shall file decision.

—contract.

—appeal to railroad commissioners.

—failure to appeal.

—appeal shall be in writing.

Section 2. Section seven of chapter fifty-three of the revised statutes is hereby amended by striking therefrom the following: "If the municipal officers upon written application therefor neglect for thirty days to approve a route and location as to streets, roads or ways, or if they refuse to approve such a route and location, or if such route and location approved by them is not accepted by the corporation, in either case said corporation may appeal to the next term of the supreme judicial court to be held in any county where any part of said railroad is located more than thirty days from the expiration of said thirty days or from the date of such refusal, or from the approval of a location that is not accepted by the corporation, or otherwise, as the case may be, excluding the day of the commencement of the session of said court. If said railroad is located in two or more counties, the supreme judicial court in either county shall have jurisdiction of any such appellate proceedings. The appellant shall serve written notice of such appeal upon said municipal officers fourteen days at least before the session of said court and shall at the first term file a complaint setting forth substantially the facts of the case. If the appeal is then entered, and not afterwards, the court shall appoint a committee of three disinterested persons, who shall be sworn, and if one of them dies, declines or becomes interested, the court may appoint some suitable person in his place. They shall give such notice as the court has ordered, view the proposed route or routes and location or locations and make their report at the next term of the court after their appointment, defining therein the route and location as to streets, roads or ways as determined by them, which, after acceptance and entry of judgment thereon, shall forthwith be certified to the railroad commissioners and received by them in lieu of the approval of the municipal officers. Costs may be taxed and allowed as the court may order. A failure to appeal shall not bar the corporation from making a new application to municipal officers."

Section 7,  
chapter 53,  
R. S.,  
amended.

--when  
located in  
two or more  
counties.

Section 3. This act shall take effect when approved.

Approved March 26, 1907.