

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 147

—greatest number of votes shall elect in towns of over 4000 inhabitants.

and the tenure of their offices. The treasurer and collector of taxes of cities and towns, may be one and the same person. And in towns of over four thousand inhabitants the candidates receiving the greatest number of votes for any of the above mentioned offices shall be deemed elected to such office.'

Approved March 31, 1913.

Chapter 147.

An Act for the Abolishment of the Grade Crossings of Railroads.

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

Selectmen may petition for a hearing. —allegations.

Section I. The selectmen of a town in which a public way crosses or is crossed by a railroad, may file a petition in writing with the board of railroad commissioners alleging that public safety requires an 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, not at grade; or the removal of obstructions to the sight at such crossing, and praying that the same may be ordered; whereupon said commissioners shall appoint a time and place for a hearing thereon after notice of not less than ten days to the petitioners, the 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. And after such notice and hearing said commissioners 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. And 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 aforesaid purposes land may be taken and damages awarded as provided for laying out highways and other ways. The commissioners shall determine and 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. Said commissioners 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

—railroad com'rs. shall appoint time and place for hearing.

—attorney general shall represent interests of the state.

—duties of railroad commissioners.

—land may be taken and damages awarded.

—expenses and damages, by whom paid.

which crosses such public way, and shall order twenty-five per cent thereof to be paid by the state, and 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. 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 commissioners may order; provided, however, that the commissioners shall not make any order upon any petition filed under the provisions of this act 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.

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—tempo-
rary ways to
be provided.

Section 2. Whenever the railroad commissioners, upon an application or petition brought under the provisions of section one of this act find that a public way crosses or is crossed by tracks of more than one railroad and the tracks of such railroads are so near together that public convenience requires the work of abolishment, alteration, change or removal to be done under and in compliance with one order, they shall give notice to all the corporations operating such railroads to appear before them and be heard upon the application; and after such notice and hearing said commissioners shall determine what abolishment, alteration, change or removal, if any, of said crossing, shall be made and shall determine by whom such work shall be done and shall apportion the percentage of expense to be borne by the railroad corporations as hereinbefore provided between such corporations in such manner as said commissioners shall deem just and proper.

Proceed-
ings when
public way
crosses
tracks of
more than
one rail-
road.

Section 3. The order of the railroad commissioners relating to any matter upon which they may act under the authority of the preceding sections of this act shall be communicated in writing to the petitioners and to all persons to whom notice of the hearing on such petition was given; and any person aggrieved by such order, who was a party to such proceedings, may appeal from such order to the supreme judicial court within and for the county in which such way or crossing is located in the manner now provided by law for appeals from the findings of the railroad commissioners. Any person aggrieved by the decision or judgment of the railroad commissioners in relation to damages for land taken for the purposes of this act may

Orders of R.
Com'rs.
shall be in
writing.

—appeal
from
award of
damages,
how taken.

CHAP. 148 appeal from said decision in the manner provided for in section thirty-six of said chapter fifty-one of the revised statutes of Maine.

Amount to be paid by state limited.

Section 4. The amount to be paid under the provisions of the preceding sections by the state in any one year shall not exceed fifteen thousand dollars, and said sum, or such portion thereof as may be required, shall be expended from the annual railroad tax.

This act does not apply to railroads of less than standard gauge, exceptions.

Section 5. This act shall not apply to railroads of less than standard gauge or to street railroads, excepting, however, that in all cases where a street railroad has a right of way in a public way crossing a railroad the commission shall apportion to such street railroad an equitable share of the damages and expenses of alteration which shall be paid by said street railroad, and the balance of such expenses and damages shall be apportioned as provided in section one of this act; and in all cases where a street railroad acquires the right to lay its tracks over a crossing which has been altered under the provisions of this act, the railroad commissioners shall fix the amount which such railroad shall pay to the state before it shall exercise its right to lay its tracks over such crossing; and in either case the commissioners shall make such order for the apportionment of the expense of future maintenance of such crossing as they shall deem equitable.

Inconsistent acts repealed. —act takes effect Jan 1, 1914.

Section 6. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect January first, nineteen hundred fourteen.

Approved March 31, 1913.

Chapter 148.

An Act to Amend Section Two of Chapter Fifteen of the Revised Statutes, as Amended, in Relation to the Continuance of Schools Failing to Maintain an Average Attendance of at Least Eight Pupils.

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

Section 2 of chap. 15, R. S., as amended by chap. 90 of P. L. of 1907, further amended.

Section two of chapter fifteen of the Revised Statutes, as amended by chapter ninety of the public laws of nineteen hundred seven, is hereby amended by inserting after the word "meeting" in the sixteenth line thereof the words 'or at a meeting called for that purpose,' so that said section when amended shall read as follows :

No change in location of school legally established.

'Section 2. The location of any school legally established prior to March seventeenth, eighteen hundred and ninety-three, continues unchanged, notwithstanding the district is abolished;