

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

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Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Eighth Legislature

**1917**

[supplied from page 1 of volume]

**CHAP. 38**

vised statutes is hereby amended by striking out all of said section and substituting therefor the following:

**Sec. 30. Public utilities commission may grant or refuse permission. Appeal may be taken.** Town ways and highways may be laid out across, over or under any railroad track, except that no such location shall be legal or effective, nor shall any such way be constructed, unless the public utilities commission, 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 that such way shall be permitted to cross such track. Said commission shall have the right to refuse its said permission or to grant the same upon such terms and conditions as it may prescribe including the manner and conditions in accordance with which the way may cross such track and whether the expense of building and maintaining so much of said way 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 commission. Said commission shall make a report in writing of its decision thereupon, file the same in its 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 at 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; and said public utilities commission shall be made a party defendant in such appeal and entitled to be heard in all subsequent proceedings had upon such appeal. The appellant shall within fourteen days from the date of the filing of such report, file in the office of the public utilities commission its reason 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 public utilities commission. 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-three of this chapter and a copy of such final decision sent to the public utilities commission by the clerk of the court where such final adjudication is made. Costs may be taxed and allowed to either party at the discretion of the court.'

Approved March 15, 1917.

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## Chapter 38.

An Act to Amend Section Thirty-four of Chapter Twenty-four of the Revised Statutes Relating to Highway Crossings of Railroads.

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

**R. S., c. 24, § 34, relating to the abolishment of grade crossings, amended.** Section thirty-four of chapter twenty-four of the revised stat-

utes is hereby amended by striking out of said section the first twenty words thereof and substituting therefor the following: 'Any railroad company, 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,' and by striking out the words "not at grade" in the sixth line of said section so that said section as amended shall read as follows:

**'Sec. 34. Commission may abolish or alter crossings whether at grade or not. Grade need not be eliminated.** Any railroad company, 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 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 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. 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. 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

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without exceeding the state appropriation available therefor. The state highway commission shall have the same right of petition under this section as the municipal officers of a town or city; and in case a petition is filed by them, the municipal officers of any city or town interested in the subject matter of said petition shall be notified by the public utilities commission of the filing of such petition and given opportunity to appear and be heard thereon.'

Approved March 15, 1917.

## Chapter 39.

An Act to Amend Section Forty-two of Chapter One Hundred Seventeen of the Revised Statutes, Providing for the Monthly Payment of Salaries of County Commissioners.

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

**R. S., c. 117, § 42, relating to compensation of county commissioners, amended.** Section forty-two of chapter one hundred seventeen of the revised statutes is hereby amended by striking out the words "in quarterly payments on the first days of January, April, July and October," in the third and fourth lines of the first paragraph thereof and inserting in place thereof, 'in monthly payments on the first day of each month for the preceding month,' so that said paragraph as amended shall read as follows:

**'Sec. 42. Salaries to be paid monthly.** Each county commissioner in the several counties shall receive an annual salary from the county treasury in monthly payments on the first day of each month for the preceding month, as follows:

- Androscoggin, seven hundred and fifty dollars.
- Aroostook, eleven hundred dollars.
- Cumberland, twelve hundred and fifty dollars.
- Franklin, four hundred and fifty dollars.
- Hancock, seven hundred and fifty dollars.
- Kennebec, one thousand dollars.
- Knox, four hundred dollars.
- Lincoln, three hundred dollars.
- Oxford, six hundred dollars.
- Penobscot, twelve hundred dollars.
- Piscataquis, five hundred dollars.
- Sagadahoc, four hundred dollars.
- Somerset, six hundred and fifty dollars.
- Waldo, four hundred dollars.
- Washington, six hundred and fifty dollars.
- York, eight hundred and fifty dollars.'

Approved March 15, 1917.