

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-second Legislature

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[supplied from page 1 of volume]

dog to chase moose, deer or caribou, amended. Section forty, of chapter two hundred and nineteen of the public laws of nineteen hundred and seventeen, as amended by chapter one hundred and ninety-six of the public laws of nineteen hundred and nineteen, is hereby amended by striking out all of said section and substituting therefor the following section:

'Sec. 40. Notice that dog is liable to chase moose, caribou or deer, sufficient; allowing dog to run at large in forest or wild lands, after notice, prohibited. Any person owning or having in his possession any dog for the purpose of hunting or chasing moose, caribou or deer, or who permits any dog owned by him or in his possession to hunt or chase moose, caribou or deer, after notice in writing from the commissioner of inland fisheries and game or from any inland fish and game warden or deputy inland fish and game warden that such dog is liable to chase moose, caribou or deer, or shall permit any dog in his custody after such notice to run at large in the forest or wild lands in this state without being accompanied by the owner or keeper, shall pay a fine of not less than fifty, nor more than one hundred dollars and costs for each offense. If a dog is found chasing moose, caribou or deer after the owner or possessor thereof has been notified, as provided in this section, that such dog is liable to chase moose, caribou or deer, it shall be prima facie evidence that said owner or possessor of such dog has permitted said dog to hunt or chase moose, caribou or deer in violation of this section.'

Approved April 2, 1925.

Chapter 112.

An Act Relating to the Location of Ways Crossing Railroad Tracks.

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

R. S., c. 24, sec. 30; P. L., 1917, c. 37; relating to crossing of railroads by town ways and highways, amended. Section thirty of chapter twenty-four of the revised statutes as amended by chapter thirty-seven of the public laws of nineteen hundred and seventeen, is hereby further amended by inserting after the word "track" in the seventh line thereof the words "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 said petition, and be given opportunity to appear and be heard thereon.'

CHAP. 112

Said section is further amended by inserting after the word "said" in said seventh line thereof the words 'public utilities.'

Said section is further amended by inserting in the tenth line thereof after the word "and" the words 'may determine.'

Said section is further amended by inserting in the thirteenth line thereof after the word "located" the words 'or by the state of Maine.'

Said section is further amended by striking out in the thirteenth and fourteenth lines thereof the words "or shall be apportioned between such company and city or town as may be determined by said commission" and inserting in place thereof the words 'or said public utilities commission may apportion such expense equitably between such railroad company, city, town or state.'

Said section is further amended by inserting in the fifteenth line thereof before the word "commission" the words 'public utilities.'

Said section is further amended by inserting in the eighteenth line thereof after the word "therein" the words 'and the state highway commission.'

Said section is further amended by inserting in the twenty-eighth line thereof after the word "municipality" the words 'or state highway commission when interested,' so that said section as amended, shall read as follows:

Sec. 30. State highway commission granted right to petition for crossing of tracks; public utilities commission authorized to apportion expense between railroad company, city, town or state of Maine; provision for service of notice of appeal on highway commission when interested. 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. 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 said petition, and be given opportunity to appear and be heard thereon. Said public utilities 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 may determine 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 by the state of Maine, or said public utilities commission may apportion such expense equitably between such railroad company, and the city, town, or state. Said public utilities 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, and the state highway commission when interested, 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 or state highway commission 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 April 2, 1925.

Chapter 113.

An Act Relating to Ice Fishing in Watchic Pond, in the Town of Standish, in the County of Cumberland.

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

Sec. 1. Closed time period for two years for ice fishing in Watchic pond, established. For a period of two years from the time this act takes effect it shall be unlawful for any person to fish for, take, catch or kill any kind of fish at any time on or through the ice in Watchic pond, so-called, in the town of Standish, in the county of Cumberland. It shall also be unlaw-