

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty - Third Legislature

OF THE

STATE OF MAINE

1927

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

As Passed by the Eighty-third Legislature

**1927**

[supplied from page 1 of volume]

## Chapter 174.

An Act Relating to Clerk Hire in the Office of the Register of Probate of Aroostook County.

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

**R. S., c. 117, sec. 45; as amended; relating to clerk hire in county offices, further amended.** Section forty-five of chapter one hundred and seventeen of the revised statutes, as amended, is hereby further amended by striking out in line four of paragraph three of said section, the words "seven hundred and eighty dollars" and inserting in place thereof the words 'one thousand dollars,' so that said paragraph three of said section, in so far as it relates to the amount allowed for clerk hire in the office of register of probate in Aroostook county, as amended, shall read as follows:

**Allowance for register of probate, Aroostook county, increased.** 'for clerks in the office of the register of probate, one thousand dollars.'

Approved April 15, 1927.

## Chapter 175.

An Act Relative to the Abolishment of Grade Crossings.

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

**R. S., c. 24, sec. 34; P. L., 1917, c. 38; 1925, c. 91; relating to abolishment or alteration of grade crossings, amended.** Section thirty-four of chapter twenty-four of the revised statutes as amended by chapter thirty-eight of the public laws of nineteen hundred seventeen and by chapter ninety-one of the public laws of nineteen hundred twenty-five, is hereby further amended by adding after the word "railroad" in the thirty-second line thereof, the words, 'but the commission may approve agreements made by the railroad or other persons interested, varying the above percentages, provided the amount to be paid by the state shall not exceed the twenty-five per cent herein specified, and the amount to be paid by the town shall not exceed the ten per cent herein specified, unless the town shall otherwise vote,' so that said section, as amended, shall read as follows:

**'Sec. 34. Agreements as to apportionment of expense made by the railroad and interested persons, may be approved by commission; municipal officers may petition for alteration or abolishment of grade crossings.** The municipal officers of a town or city in which a public way crosses or is crossed by a railroad, 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

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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 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 how much land may be taken and shall 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; appeal from any decision, order or award of the commission may be had as provided in section thirty-six of said chapter twenty-four. 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, but the commission may approve agreements made by the railroad or other persons interested, varying the above percentages, provided the amount to be paid by the state shall not exceed the twenty-five per cent herein specified, and the amount to be paid by the town shall not exceed the ten per cent herein specified, unless the town shall otherwise vote. 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 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 April 15, 1927.

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## Chapter 176.

An Act Relating to State School Fund and Especially Relating to High School Tuition by Non-resident Students.

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

P. L., 1921, c. 173, sec. 5; relating to reimbursement to towns for tuition for pupils attending secondary schools, amended. Section five of chapter one hundred seventy-three of the public laws of nineteen hundred twenty-one, is amended by striking out after the word "town" in line twelve the words "not to exceed forty dollars for any one pupil or six hundred dollars for any one town" and including at the close of the section the following: 'and reimbursement to any town for any one year shall not exceed seven hundred dollars. Provided, further, that any town not maintaining a high school may pay tuition for any student, who with parents or guardian, resides in said town and who attends an approved school of secondary grade in a town adjacent to the state of Maine in another state when distance and transportation facilities make attendance in a Maine high school or academy inexpedient.' So that the section as amended shall read as follows:

'Sec. 5. Apportionment to towns to equal two-thirds amount paid; pupils may attend schools in adjacent towns in another state; conditions. When any town shall have been required to pay and has paid tuition for pupils attending secondary schools, as provided by section eighty-five of chapter sixteen of the revised statutes, the superintendent of schools of such town shall make a return under oath to the state superintendent of public schools before the first day of September, nineteen hundred and twenty-two, and annually thereafter, for the preceding school year, stating the name of each pupil for whom tuition has been paid, the amount paid by the town for each and the name and location of the school which each has attended. Upon the approval of said return the state superintendent of public schools shall apportion to such town a sum equal to