

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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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 Eighty-fourth Legislature

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[supplied from page 1 of volume]

**CHAP. 28**

such designations, preferences and voting powers, or restrictions or qualifications thereof, as shall be fixed and determined in the by-laws, or by vote of the stockholders at a meeting duly called for the purpose. Restrictions and qualifications of voting power so imposed shall control in all cases where any vote or consent of stockholders is now or hereafter required by statute, unless such statute shall provide expressly to the contrary, and the provision of any statute requiring a specific vote of all, a majority, or a fractional part of the stock issued or of the stock outstanding, or any similar provision, shall be construed as limited by any such restrictions and qualifications.'

Approved March 11, 1929.

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## Chapter 28.

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

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

**Sec. 1.** R. S., c. 24, sec. 30; P. L., 1917, c. 37; P. L., 1925, c. 112; relating to location of ways crossing railroad tracks and station grounds; further 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, and by chapter one hundred and twelve of the public laws of nineteen hundred and twenty-five is hereby further amended by striking out all of said section and substituting in lieu thereof the following:

'**Sec. 30.** Public utilities commission shall determine; report; public utilities party defendant; costs. Town ways and highways may be laid out across, over or under any railroad track, or through or across any land or right of way of any railroad corporation used for station purposes, 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, the state highway commission or the parties owning or operating the railroad, shall, upon notice and hearing, determine that such way shall be permitted to cross such track or land or right of way of any railroad corporation used for station purposes. 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 or land or right of way of any railroad corporation used for station purposes and may determine whether the expense of building and maintaining so much of said way as is within the limits of such railroad corporation shall be

borne by such railroad corporation, 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 corporation, 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 reasons 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 the 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.'

**Sec. 2.** R. S., c. 24, sec. 32; relating to ways over lands used for stations, repealed. Section thirty-two of chapter twenty-four of the revised statutes is hereby repealed.

Approved March 11, 1929.

## Chapter 29.

An Act to Regulate the Taking of Clams in the Town of Phippsburg.

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

**Sec. 1.** Town of Phippsburg may fix time of taking of clams; fee for licenses; may restrict licenses. The town of Phippsburg at its annual meeting may fix the time in which clams may be taken within the limits of said town and the fee for which its municipal officers shall grant licenses or permits therefor and the number to be granted; and when not so regulated by vote of said town, the municipal officers may fix the time