

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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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fourth Legislature

1929

[supplied from page 1 of volume]

Chapter 91.

An Act Relating to Highway Crossings of Railroads.

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

R. S., c. 24, sec. 34; P. L., 1917, c. 38; P. L., 1925, c. 91; P. L., 1927, c. 175; relating to abolishment or alteration of grade crossings, further 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 and seventeen and by chapter ninety-one of the public laws of nineteen hundred and twenty-five and by chapter one hundred and seventy-five of the public laws of nineteen hundred and twenty-seven is hereby further amended by striking out all of said section and substituting in lieu thereof the following:

'Sec. 34. Filing of petition with public utilities commission for abolishment or alteration of grade crossings; commission shall apportion expenses. Any railroad company, the state highway commission, 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 railroad 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

CHAP. 92

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 said corporation 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 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.'

Approved March 15, 1929.

Chapter 92.

An Act Relating to the Sale and Exchange of Town Forests and the Location of Public Ways Therein.

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

P. L., 1927, c. 33, sec. 6; relating to establishment of town forests, amended. Section six of chapter thirty-three of the public laws of nineteen hundred and twenty-seven is hereby amended by striking out the whole of said section and by substituting in place thereof the following:

'Sec. 6. Sale or exchange may be authorized by vote of city council or inhabitants of town; must not be lands in trust. Whenever it shall be deemed of advantage to such city or town to sell or exchange such forest lands or any part thereof, or to locate thereon any public highway or foot-path, such city, by vote of its city council, and such town by vote of its inhabitants at town meeting, after due notice given, may authorize such sale or exchange or the location of such way or path, and may execute any