

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 595

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H.P. 445

House of Representatives, January 30, 1997

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**An Act to Clarify the State's Authority to Acquire and Preserve Rail  
Corridors for Use as Transportation Corridors.**

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Submitted by the Department of Transportation pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BOUFFARD of Lewiston.  
Cosponsored by Senator FERGUSON of Oxford and  
Representatives: DEXTER of Kingfield, HATCH of Skowhegan, LEMAIRE of Lewiston,  
POVICH of Ellsworth, SAMSON of Jay, SNOWE-MELLO of Poland, TUTTLE of Sanford,  
WHEELER of Eliot.

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

2

Sec. 1. 23 MRSA §7105, sub-§3, as amended by PL 1989, c. 878,  
4 Pt. G, §3, is further amended to read:

6

3. Acquisition of certain railroad lines. The Department  
of Transportation may purchase or lease railroad lines or any  
8 part of a railroad line or any other property located in the  
State, owned or otherwise lawfully controlled by any railroad  
10 when, in the judgment of the department, the purchase or lease of  
those railroad lines or property is necessary to protect the  
12 public interest.

14

A. Before dismantling any track that results in a cessation  
of rail service upon all or part of a railroad line, or  
16 offering any railroad property for sale, or upon the  
abandonment of service along all or a portion of a railroad  
18 line, the department shall must be given the first option to  
lease or purchase, on just and reasonable terms, the  
20 railroad line, any part of the railroad line or other  
property. In the event that a lease is negotiated for the  
22 rights-of-way, the department shall consult with municipal  
officials and officers in the municipalities affected by the  
24 abandonment of service along the line to determine the need  
for preserving the rights-of-way along the abandoned portion  
26 of the line for ~~rail~~ transportation purposes. If the  
department finds that the welfare of the State would be  
28 significantly and adversely affected by the loss of the line  
for railroad transportation purposes, the department shall  
30 seek to negotiate the purchase of the abandoned portion of  
the line. In making this determination, the department  
32 shall consider, among other criteria deemed significant by  
the department, future economic development activities and  
34 opportunities in the area served by the abandoned railroad  
service. In addition, the department shall consult with the  
36 Department of Economic and Community Development, the  
Department of Conservation and the State Planning Office in  
38 making the determination required in this section.

40

The department shall, in good faith, seek to lease the  
railroad rights-of-way until it finds that the preservation  
42 of the rights-of-way is not necessary for the welfare of the  
State or until the voters of the State approve or  
44 disapprove, at a statewide election, the issue of bonds to  
purchase the rights-of-way along the abandoned portion of  
46 the line.

48

Nothing in this paragraph may require the department to  
lease or purchase the railroad rights-of-way to an entire  
50 railroad line or any portion of the line for which railroad

2 service has been abandoned if the railroad corporation owner  
3 does not intend to sell, lease or in any other way dispose  
4 of the rights-of-way by which railroad service could be  
5 easily restored along the abandoned service portion of the  
6 line.

7 B. The abandonment of service shall does not mean or imply  
8 that the rights-of-way on a railroad line have been  
9 abandoned. In the event that the railroad, any person, firm  
10 or corporation, or any agency shows interest in the eventual  
11 restoration of service, the rights-of-way shall may not be  
12 deemed abandoned.

13 Since it is in the best interest of the State to retain the  
14 rights-of-way intact, this paragraph shall-apply applies to  
15 all existing and future rights-of-way created prior to or  
16 following September 30, 1989.

17 C. Whenever the department acquires railroad lines, to hold  
18 and to manage for future railroad--uses transportation  
19 purposes, those lines shall may not be considered abandoned  
20 for railroad or other transportation purposes. The  
21 commissioner shall periodically review the need to hold  
22 those lines for future railroad transportation uses.  
23

## 24 SUMMARY

25 This bill clarifies the Department of Transportation's  
26 authority to acquire railroad lines and railroad property not  
27 only for rail purposes but for transportation purposes.  
28