

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

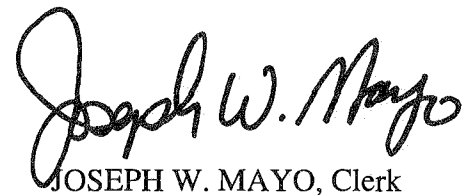
No. 1039

H.P. 762

House of Representatives, February 13, 1997

An Act Relating to the Use of Railbeds as Recreational Trails.

Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MACK of Standish.

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

4 Sec. 1. 23 MRSA §6026 is enacted to read:

6 **§6026. Use of railbeds for recreational trails**

8 A person may not use or propose to use an active or inactive
10 railbed as a recreational trail unless the person is specifically
12 authorized to do so by law naming the person and the property to
14 be used as the trail. Any such authorization must require the
16 person to ensure that:

18 1. **Abutter access.** Abutters are not restricted from
20 crossing the trail to access property that is divided by the
22 trail;

24 2. **Trespass.** Enforcement of trespass laws is strengthened
26 along the trail and that signs are posted along the trail to
28 prevent trespassing;

30 3. **Sanitary facilities; waste disposal.** Sufficient
32 sanitary facilities and collection of trash are provided on the
34 trail; and

36 4. **Private property rights.** Property rights of abutters
38 are not diminished by imposing requirements for scenic buffers,
40 viewshed protection, vegetation management, building setbacks and
similar restrictions.

As used in this section, the term "person" includes an
individual, the State and any other governmental or legal entity.

SUMMARY

This bill requires persons to obtain approval by law for the use of active or inactive railbeds as recreational trails. It also requires the person to ensure that certain standards are met in the formation and maintenance of the trails.