

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 581

7 H.P. 414

House of Representatives, February 14, 1985

8 On motion of Representative Theriault of Fort Kent, referred to the  
9 Committee on Transportation. Sent up for concurrence and ordered printed.  
Ordered sent forthwith.

EDWIN H. PERT, Clerk

10 Presented by Representative Vose of Eastport.

11 Cosponsored by Representative Moholland of Princeton, Representative  
Tammaro of Baileyville and Senator Brown of Washington.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Protect Railroad Rights-of-way.  
18

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

21 23 MRSA §4207, sub-§3, as amended by PL 1979, c.  
22 374, is repealed and the following enacted in its  
23 place:

24 3. Purchase or lease of certain railroad lines.  
25 The Department of Transportation may purchase or  
26 lease, under such terms and conditions as the depart-  
27 ment and the owners of the railroad may agree upon  
28 and hold for the State, railroad lines or any part  
29 thereof located in the State, owned or otherwise law-  
30 fully controlled by the railroad when, in the judg-  
31 ment of the department, the purchase or lease of  
32 those railroad lines is necessary to protect the pub-  
33 lic interest. The department may purchase or lease  
34 the right-of-way only of such line or lines which it  
35 shall hold and manage for future transportation use  
36 or it may purchase or lease the railroad line intact,

1 including track, track appurtenances, ties, bridges,  
2 station houses and other necessary structures.

3 A. Upon the abandonment of service along all or  
4 a portion of a railroad line, the department  
5 shall be given the first option to lease or pur-  
6 chase, upon just and reasonable terms, the  
7 railroad's rights-of-way along the abandoned por-  
8 tion of the line. In the event that a lease is  
9 negotiated for the rights-of-way, the department  
10 shall consult with municipal officials and offi-  
11 cers in the municipalities affected by the aban-  
12 donment of service along the line to determine  
13 the need for preserving the rights-of-way along  
14 the abandoned portion of the line for rail trans-  
15 portation. If the department finds that the wel-  
16 fare of the State would be significantly and ad-  
17 versely affected by the loss of the line for  
18 railroad transportation purposes, the department  
19 shall seek to negotiate the purchase of the aban-  
20 doned portion of the line. In making this deter-  
21 mination, the department shall consider, among  
22 other criteria deemed significant by the depart-  
23 ment, future economic development activities and  
24 opportunities in the area served by the abandoned  
25 railroad service. In addition, the department  
26 shall consult with the State Development Office  
27 and the State Planning Office in making the de-  
28 termination required in this section.

29 The department shall, in good faith, seek to  
30 lease the railroad rights-of-way until it finds  
31 that the preservation of the rights-of-way is not  
32 necessary for the welfare of the State or until  
33 the voters of the State approve or disapprove, at  
34 a statewide election, the issue of bonds to pur-  
35 chase the rights-of-way along the abandoned por-  
36 tion of the line.

37 Nothing in this paragraph may require the depart-  
38 ment to lease or purchase the railroad rights-  
39 of-way to an entire railroad line or portion  
40 thereof for which railroad service has been aban-  
41 doned if the railroad corporation owner does not  
42 intend to sell, lease or in any other way dispose  
43 of the rights-of-way by which railroad service  
44 could be easily restored along the abandoned ser-  
45 vice portion of the line.

1           B. The abandonment of service shall not mean or  
2           infer that the rights-of-way on a railroad line  
3           have been abandoned. In the event that the rail-  
4           road, any person, firm or corporation, or any  
5           agency shows interest in the eventual restoration  
6           of service, the rights-of-way shall not be deemed  
7           abandoned.

8           Since it is in the best interest of the State to  
9           retain the rights-of-way intact, this paragraph  
10          shall apply to all existing and future rights-  
11          of-way created prior to or following the effec-  
12          tive date of this section, as amended.

13          C. Whenever the department acquires railroad  
14          lines, to hold and to manage for future railroad  
15          uses, those lines shall not be considered aban-  
16          doned for railroad purposes. The commissioner  
17          shall periodically review the need to hold those  
18          lines for future railroad uses.

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STATEMENT OF FACT

2       The current law, which is not changed by this  
3 bill, authorizes the Department of Transportation to  
4 purchase or lease railroads. This bill provides a  
5 process for the State to purchase or lease railroads  
6 in a specific situation. This process applies to  
7 railroad lines for which service along the lines is  
8 terminated.

9       In order to preserve the line for future railroad  
10 transportation service, the Department of Transporta-  
11 tion is required to seek to negotiate a lease of the  
12 rights-of-way with the railroad corporation until the  
13 department either determines that the railroad line  
14 is not necessary for the welfare of the State or the  
15 voters approve or disapprove the issue of bonds to  
16 purchase the abandoned line at a statewide election.

17       In making a determination about the necessity of  
18 preserving the railroad line, the Department of  
19 Transportation is required to consult with the munic-  
20 ipalities affected by the loss of railroad service,  
21 the State Development Office and the State Planning  
22 Office. The department is not required to seek the  
23 lease or purchase of an abandoned railroad service  
24 line if the railroad has no intention of leasing or  
25 selling the line and easily affording the restoration  
26 of railroad service sometime in the future.

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