

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(Emergency)
(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1308

S.P. 428

In Senate, April 21, 1987

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Transportation suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator DOW of Kennebec.

Cosponsored by Senator CAHILL of Sagadahoc, Representative DELLERT of Gardiner, Representative CHONKO of Topsham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **Resolve, to Establish the Commission to**
2 **Examine Alternative Uses for the Augusta to**
3 **Topsham Railroad Right-of-way.**
4

5 **Emergency preamble.** Whereas, Acts and resolves
6 of the Legislature do not become effective until 90
7 days after adjournment unless enacted as emergencies;
8 and

9 Whereas, currently, the railroad right-of-way
10 from Augusta to Topsham is rarely used for rail
11 transportation; and

12 Whereas, the Interstate Commerce Commission may
13 soon grant permission to Maine Central Railroad to
14 abandon the line from Topsham to Augusta; and

1 Whereas, the State may be forced to take immedi-
2 ate action to protect its rights in the right-of-way;
3 and

4 Whereas, the right-of-way is a significant and
5 valuable asset to the State and to the communities
6 through which it runs; and

7 Whereas, a coordinated planning process to deter-
8 mine future uses of the right-of-way is both desir-
9 able and necessary for the State, the municipal gov-
10 ernments, businesses, abutters and other citizens of
11 communities along the right-of-way; and

12 Whereas, in the judgment of the Legislature,
13 these facts create an emergency within the meaning of
14 the Constitution of Maine and require the following
15 legislation as immediately necessary for the preser-
16 vation of the public peace, health and safety; now,
17 therefore, be it

18 **Commission established. Resolved:** That the Com-
19 mission to Examine Alternative Uses for the Augusta
20 to Topsham Railroad Right-of-way is established, con-
21 sisting of 5 members: Two members of the Senate to be
22 appointed by the President of the Senate and 3 mem-
23 bers of the House of Representatives to be appointed
24 by the Speaker of the House. The chairman of the com-
25 mission shall be elected from its membership; and be
26 it further

27 **Study. Resolved:** That the commission shall ex-
28 amine alternate uses for the railroad right-of-way
29 existing between Topsham and Augusta; coordinate a
30 regional planning process for the use of the right-
31 of-way; and recommend strategies for the acquisition
32 of all or part of the right-of-way; recommend any
33 necessary legislation to carry out the commission's
34 findings and recommendations; and be it further

35 **Technical Advisory Group. Resolved:** That the
36 commission establish the Technical Advisory Group to
37 advise and assist the commission in its study. The
38 group shall be made up of at least one representative
39 each from the officers of the municipalities of
40 Topsham, Bowdoin, Richmond, Gardiner, Farmingdale,
41 Hallowell and Augusta; at least 2 public members,

1 representatives from the Regional Planning Commission
2 or commissions with jurisdiction over the municipali-
3 ties along the right-of-way; representatives of the
4 chambers of commerce along the right-of-way; and rep-
5 resentatives from the Department of Transportation,
6 the Department of Conservation and the State Planning
7 Office; and be it further

8 **Meetings. Resolved:** That the commission meet as
9 necessary to study the issues, consult with recog-
10 nized experts, conduct public hearings and prepare a
11 report which shall be submitted, together with any
12 accompanying legislation, to the Second Regular Ses-
13 sion of the 113th Legislature no later than December
14 31, 1987; and be it further

15 **Staff. Resolved:** That sufficient staff assist-
16 ance shall be requested from the Legislative Council
17 and further staffing, information and analysis shall
18 be provided by the Department of Transportation, De-
19 partment of Conservation and the State Planning Of-
20 fice to carry out these duties; and that the commis-
21 sion be authorized to hire consultants to conduct
22 such portions of the study as the commission deems
23 necessary; and be it further.

24 **Compensation. Resolved:** That the legislative
25 members of the commission shall receive a per diem
26 compensation, but all members of the Technical Advis-
27 ory Group shall receive no compensation for travel
28 and other expenses incurred in the performance of
29 their duties; and be it further

30 **Allocation. Resolved:** That the sum of \$10,000
31 is allocated from the Highway Fund to the Legislative
32 Account to carry out the purpose of this resolve.

33 **Emergency clause.** In view of the emergency cited
34 in the preamble, this resolve shall take effect when
35 approved.

