

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 1808

(Filing No. S-461)

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 687, L.D. 1808, Bill, "An Act Concerning Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting after the enacting clause the following:

**PART A**

Further amend the bill by inserting after section 7 the following:

**Sec. 8. 23 MRSA §4207, sub-§3**, as repealed by PL 1989, c. 398, §4, and as amended by PL 1989, c. 501, Pt. P, §28, is repealed.

**Sec. 9. Effective date.** That section of this Act which repeals the Maine Revised Statutes, Title 23, section 4207, subsection 3 is effective September 30, 1989.

**Sec. 10. 23 MRSA §7105, sub-§3**, as enacted by PL 1989, c. 398, §7, is amended to read:

**3. Purchase or lease of certain railroad lines.** The Department of Transportation may purchase or lease, ~~under such terms and conditions as the department and the owners of the railroad may agree and hold for the State,~~ railroad lines or any part of a railroad line or any other property located in the State, owned or otherwise lawfully controlled by ~~the~~ any railroad when, in the judgment of the department, the purchase or lease of those railroad lines or property is necessary to protect the public interest. ~~The department may purchase or lease the right-of-way only of any line or lines which it shall hold and manage for future transportation use or it may purchase or lease~~

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~~the railroad line intact, including track, track appurtenances, ties, bridges, station houses and other necessary structures.~~

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

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

38       Nothing in this paragraph may require the department to  
40       lease or purchase the railroad rights-of-way to an entire  
42       railroad line or any portion of the line for which railroad  
44       service has been abandoned if the railroad corporation owner  
46       does not intend to sell, lease or in any other way dispose  
48       of the rights-of-way by which railroad service could be  
50       easily restored along the abandoned service portion of the  
52       line.

48       B. The abandonment of service shall not mean or infer that  
50       the rights-of-way on a railroad line have been abandoned. In  
52       the event that the railroad, any person, firm or  
54       corporation, or any agency shows interest in the eventual  
56       restoration of service, the rights-of-way shall not be  
58       deemed abandoned.

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2 Since it is in the best interest of the State to retain the  
rights-of-way intact, this paragraph shall apply to all  
4 existing and future rights-of-way created prior to or  
following ~~the effective date of this section~~ September 30,  
6 1989, as amended.

8 C. Whenever the department acquires railroad lines, to hold  
and to manage for future railroad uses, those lines shall  
10 not be considered abandoned for railroad purposes. The  
commissioner shall periodically review the need to hold  
12 those lines for future railroad uses.

14 **Sec. 11. Effective date.** That section of this Act which amends  
the Maine Revised Statutes, Title 23, section 7105, subsection 3  
16 is effective September 30, 1989.'

18 Further amend the bill by striking out all of section 16.

20 Further amend the bill by inserting before the emergency  
clause the following:

22 **PART B**

24 **Sec. 1. 5 MRSA §12002, sub-§3**, as enacted by PL 1983, c. 812,  
26 §39, is amended to read:

28 **3. Legislative per diem.** "Legislative per diem" means the  
per diem authorized by Title 3, section 2, that is paid to  
30 Legislators for every day's attendance at ~~special sessions of the~~  
Legislature meetings held when the Legislature is not in daily  
32 session. For the purpose of this subsection, "legislative per  
diem" does not mean the compensation authorized by Title 3,  
34 section 2, that is paid to Legislators for every day's attendance  
at special sessions of the Legislature.

36 **Sec. 2. Resolve 1989, c. 38, first resolve ¶, last ¶** is amended to read:

38 Insofar as it is not inconsistent with this resolve, the  
40 conduct of the referendum, commission membership, charter  
amendments, submission to voters and judicial review shall be as  
42 set forth in the Maine Revised Statutes, Title 30-A, chapter 11,  
subchapter II. Nomination petitions must be delivered to the  
44 registrar for certification by 5 p.m. on September 13, 1989. The  
nomination petitions must be filed in the office of the Secretary  
46 of State by 5 p.m. on September 20, 1989.

48 **Sec. 3. PL 1989, c. 457, §9** is repealed and the following  
enacted in its place:

50

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2 Sec. 9. Effective date. Sections 1, 2 and 8 shall take effect  
3 October 1, 1989. Sections 3 to 7 shall take effect November 7,  
4 1989.

6 Sec. 4. Effective date. That section of this Act that amends  
7 Public Law 1989, chapter 457, section 9 shall take effect October  
8 1, 1989.

10 Sec. 5. PL 1989, c. 501, Pt. O, §22 is amended to read:

12 Sec. 22. Effective date. Sections 1 to 6 shall take effect on  
13 June 30, 1989. Sections 7, 9, 10, 11, 12, 13, 14, 15, 16 and 17  
14 shall take effect on December 3, 1990.

16 Sec. 6. Effective date. That section of this Act which amends  
17 Public Law 1989, chapter 501, Part O, section 22 is effective  
18 June 30, 1989.

20 Sec. 7. PL 1989, c. 555, §24 is repealed and the following  
21 enacted in its place:

22 Sec. 24. Effective date. Sections 11 and 12 of this Act are  
23 effective January 1, 1990. Sections 20 and 21 of this Act are  
24 effective July 1, 1991.

26 Further amend the bill by renumbering the sections to read  
27 consecutively.

30 STATEMENT OF FACT

32 Part A of the bill as amended makes technical changes. Part  
33 B makes corrections that may be considered substantive but which  
34 are necessary to carry out the legislative intent.

36 Part A, sections 8 to 11, corrects a technical conflict  
37 created by 2 bills enacted in the First Regular Session which  
38 affect the same section.

40 Section 16 of the bill is deleted.

42 Part B, section 1, clarifies the definition of legislative  
43 per diem to be paid to members of boards and commissions under  
44 the Maine Revised Statutes, Title 5, section 12002.

46 Part B, section 2, clarifies when nomination petitions for  
47 the Androscoggin County Charter Commission must be filed.  
48 Current law does not provide for charter commission elections in  
49 the years when there is no general election.

52 Part B, sections 3 and 4, corrects an effective date  
concerning changes in the consumer credit protection laws.

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2 Part B, section 5 and 6, corrects an effective date in  
4 changes in compensation to ensure that authorization for current  
compensation is not deleted.

6 Part B, section 7, delays the effective date of the  
reporting requirements for timber harvesting.

Reported by Senator Hobbins for the Committee on Judiciary.  
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