

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1352, L.D. 1869, Bill, "An Act to Give the Department of Conservation an Option on Abandoned Railroad Lines"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Require Consultation with the Department of Conservation on Abandoned Railroad Lines'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'23 MRSA §7105, sub-§3, ¶A, as enacted by PL 1989, c. 398, §7 and as amended by PL 1989, c. 600, Pt. A, §§11 and 12, is further amended to read:

A. Before dismantling any track that results in a cessation of rail service upon all or part of a railroad line, or offering any railroad property for sale, or upon the abandonment of service along all or a portion of a railroad line, the department shall be given the first option to lease or purchase, on just and reasonable terms, the railroad line, any part of the railroad line or other property. In the event that a lease is negotiated for the rights-of-way, the department shall consult with municipal officials and officers in the municipalities affected by the abandonment of service along the line to determine the need for preserving the rights-of-way along the abandoned portion of the line for rail transportation. If the department finds that the welfare of the State would be significantly and adversely affected by the loss of the line for railroad transportation purposes, the department shall seek to negotiate the purchase of the abandoned portion of the line. In making this determination, the department shall consider, among other criteria deemed significant by the

2 department, future economic development activities and
opportunities in the area served by the abandoned railroad
4 service. In addition, the department shall consult with the
Department of Economic and Community Development, the
6 Department of Conservation and the State Planning Office in
making the determination required in this section.

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

16 Nothing in this paragraph may require the department to
lease or purchase the railroad rights-of-way to an entire
18 railroad line or any portion of the line for which railroad
service has been abandoned if the railroad corporation owner
20 does not intend to sell, lease or in any other way dispose
of the rights-of-way by which railroad service could be
22 easily restored along the abandoned service portion of the
line.'

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STATEMENT OF FACT

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This amendment replaces the original bill and adds the
30 Department of Conservation to the agencies that must be consulted
by the Department of Transportation when determining whether to
32 lease or purchase an abandoned railroad line.

Reported by the Committee on Transportation
Reproduced and distributed under the direction of the Clerk of the
House
1/24/90 (Filing No. H-740)