

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2383

H.P. 1724

House of Representatives, March 1, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Transportation suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative MELENDY of Rockland.

Cosponsored by Senator CAHILL of Sagadahoc, Senator HOLLOWAY of Lincoln and Representative CHONKO of Topsham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend the State Railroad Preservation and Assistance Act.

(EMERGENCY)



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

4 Whereas, certain provisions in the State Railroad
6 Preservation and Assistance Act unduly restrict the ability of
the Department of Transportation to manage rail lines the
8 department has acquired or leased, hindering the development of
freight and passenger rail service in the State; and

10 Whereas, in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

18 **Sec. 1. 23 MRSA §7103, sub-§3, ¶¶B and C,** as repealed and
20 replaced by PL 1989, c. 398, §7, are amended to read:

22 B. To conduct periodic condition surveys of rail track and
other related facilities; and

24 C. To acquire, lease and maintain rail lines when these
26 actions are determined to be in the best interest of the
State;

28 **Sec. 2. 23 MRSA §7103, sub-§3, ¶¶D and E** are enacted to read:

30 D. To lease, purchase and dispose of railroad operating
32 equipment used on rail lines acquired or leased by the
State; and

34 E. To provide financial assistance and to lease or sell
36 railroad operating equipment to short line operators
38 providing rail service to lines acquired or leased by the
40 State. For purposes of this chapter, a short line operator
42 is any railroad having an annual gross revenue from railroad
44 operations of \$5,000,000 or less, or regularly conducting
46 rail service over less than 100 miles of track.

48 **Sec. 3. 23 MRSA §7105, sub-§5** is enacted to read:

50 5. Department to lease, purchase and dispose of operating
equipment. The Department of Transportation may lease, purchase
and dispose of railroad operating equipment used on rail lines
acquired or leased pursuant to this chapter. The department may
provide financial assistance and may lease or sell railroad
operating equipment to short line operators providing rail

2 service to those rail lines when determined to be in the best
3 interest of the State.

4 **Sec. 4. 23 MRSA §7106, sub-§§1 and 4,** as enacted by PL 1989, c.
5 398, §7, are repealed.

6 **Sec. 5. 23 MRSA §7106, sub-§5,** as enacted by PL 1989, c. 398,
7 §7, is amended to read:

10 **5. State liability.** The State shall ~~is~~ not be held liable
11 in any contract pursuant to this section chapter for the leasing
12 or purchasing of equipment, facilities or services; for the
13 delivery of products; for the storage of products; or for any
14 other service or financial commitment that may result from the
15 implementation of this section chapter.

16 **Emergency clause.** In view of the emergency cited in the
17 preamble, this Act takes effect when approved.

20 **STATEMENT OF FACT**

22 This bill provides the Department of Transportation with
23 more authority to encourage the preservation and development of
24 passenger and freight service on rail lines the department
25 acquires or leases.
26