

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2070

H.P. 1458

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

Cosponsored by Representative MARSANO of Belfast and Senator GAUVREAU of Androscoggin.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

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**An Act to Ensure the Retention of Utility Lines Crossing Railroad  
Property.**

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

4 Sec. 1. 35-A MRSA §2312 is enacted to read:

6 §2312. Protection of utility facilities upon abandonment of  
railroad rights-of-way

8 Upon approval of a railroad company's abandonment  
10 application by the federal Interstate Commerce Commission, and  
12 unless otherwise stated in the approval order, the public  
14 acquires an easement allowing public utilities to continue to  
16 maintain, repair and replace its installations within the limits  
18 of the railroad right-of-way.

20 Sec. 2. 35-A MRSA §3136, sub-§2, ¶D, as enacted by PL 1987, c.  
22 141, Pt. A, §6, is amended to read:

24 D. Lands or easements owned or used by railroad  
26 corporations when the proposed or existing transmission  
28 lines would substantially interfere with the service  
30 rendered over the existing railroad lines, except with the  
32 consent of the owners.

34 STATEMENT OF FACT

36 Traditionally, railroads in the State have issued licenses  
38 rather than deeded easements to utilities to permit them to place  
40 electric lines across railroad rights-of-way. Recently, one  
42 railroad company has refused to grant utilities rights for new  
crossings and has even withdrawn rights under licenses already  
established. As a consequence, the utility's service to  
customers' dwellings is threatened.

This bill would establish that utility facilities providing  
service to customers would have the same legal status on railroad  
property that they currently have on public ways, highways and  
streets. The bill would also give utilities the ability to  
acquire necessary rights to cross railroad property while not  
interfering with railroad operations.