

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 324

H.P. 245

House of Representatives, February 4, 1993

An Act to Clarify the Rights of Water Utilities with Respect to Water Lines Passing in or through Railroad Rights-of-way.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FARNSWORTH of Hallowell.

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

4 Sec. 1. 23 MRSA §7157 is enacted to read:

6 **§7157. Water utility easement**

8 Whenever the Department of Transportation acquires any
10 railroad line, a public easement for the benefit of a public
12 water utility for the purposes of construction, use and
14 maintenance by the utility of its facilities as necessary to
16 provide service is established in and through all real property
18 acquired by the department from the railroad. Easements under
20 this section are established in all railroad line real properties
22 acquired by the department after the effective date of this
24 section and all railroad line real properties acquired prior to
26 the effective date of this section and held by the department on
28 the effective date of this section. For the purposes of this
30 section, "water utility" has the same meaning as provided in
Title 35-A, section 102.

22 **STATEMENT OF FACT**

24
26 This bill ensures that public water utilities retain rights
28 to use and maintain water utility facilities running in or
30 through railroad lines when those lines are purchased by the
Department of Transportation. This bill is designed to address
those situations in which the department has acquired railroad
lines and then charged water utilities fees for licenses to use
and maintain existing water lines.