

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

H. of S.

L.D. 1311

(Filing No. H-354)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44

STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 980, L.D. 1311, Bill, "An Act to Change the Railroad Fire Protection Laws"

Amend the bill in section 2 in that part designated "~~§9405-A.~~" in the first paragraph in the last line (page 1, line 18 in L.D.) by striking out the following "fire hazard" and inserting in its place the following: 'flammable material and whether a condition is considered a fire hazard'

Further amend the bill in section 2 in that part designated "~~§9405-A.~~" in subsection 1 by inserting after paragraph D the following:

'E. "Fire-start area" means an area that has experienced one or more railroad-caused fires in the previous 5 calendar years.'

Further amend the bill in section 2 in that part designated "~~§9405-A.~~" in subsection 1 by striking out all of paragraph E and inserting in its place the following:

'F. "Flammable material" includes, but is not limited to, grass, weeds, brush, logs, waste railroad ties, refuse material, debris, dead and desiccated vegetation, and all materials that burn easily. "Flammable material" does not include:

(1) Wooden poles or towers and cross arms supporting switching circuits or other electrical power or communication conductors;

(2) Wooden components of trestles, tunnels and other structures; or

COMMITTEE AMENDMENT

P. of S.

COMMITTEE AMENDMENT "A" to H.P. 980, L.D. 1311

2 (3) Material that an authorized agent has evaluated
4 and determines not flammable.'

6 Further amend the bill in section 2 in that part designated
8 "§9405-A." in subsection 1 in paragraph F in the 3rd line (page
2, line 3 in L.D.) by striking out the following: "hay" and
inserting in its place the following: 'hay.'

10 Further amend the bill in section 2 in that part designated
12 "§9405-A." in subsection 1 in paragraph H in the last line (page
2, line 13 in L.D.) by inserting after the following:
14 "lightning" the following: 'or controlled burning for the
purpose of destroying flammable materials'

16 Further amend the bill in section 2 in that part designated
18 "§9405-A." in subsection 1 by relettering the paragraphs to read
consecutively.

20 Further amend the bill in section 2 in that part designated
22 "§9405-A." in subsection 2 by striking out all of paragraph B and
inserting in its place the following:

24 'B. For a fire-start area, the area within 25 feet of
26 outside of rail, including ballast and towpath, must be kept
28 clear of flammable material that by its physical arrangement
30 or its accumulation is likely to contribute to the
32 propagation of railroad-caused fires. A linear distance of
1/4 mile on either side of an identified fire-start area
must be maintained along both sides of the railroad track as
specified in this paragraph.'

34 Further amend the bill in section 2 in that part designated
36 "§9405-A." in subsection 3 in the 2nd and 3rd lines (page 3,
lines 11 and 12 in L.D.) by striking out the following: "fire
occurrence" and inserting in its place the following:
38 'fire-start areas'

40 Further amend the bill by inserting at the end before the
statement of fact the following:

'FISCAL NOTE

		1993-94	1994-95
	REVENUES		
	Other Funds	(\$1,125)	(\$1,500)

2 Repeal of the right-of-way filing fee will reduce dedicated
revenues to the Department of Conservation by \$1,125 and \$1,500
4 in fiscal years 1993-94 and 1994-95, respectively.'

6 **STATEMENT OF FACT**

8 This amendment clarifies that the Director of the Bureau of
Forestry or a state forest ranger is the final authority in
10 defining a flammable material and a fire hazard. Burning to
destroy flammable material is excluded from the definition of
12 "railroad-caused fire". Other technical changes are made to
clarify the intent of the bill. The amendment also adds a fiscal
14 note to the bill.

Reported by the Committee on Transportation
Reproduced and distributed under the direction of the Clerk of the
House
5/18/93

(Filing No. H-354)