

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 595

H.P. 445

House of Representatives, January 30, 1997

**An Act to Clarify the State's Authority to Acquire and Preserve Rail
Corridors for Use as Transportation Corridors.**

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BOUFFARD of Lewiston.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: DEXTER of Kingfield, HATCH of Skowhegan, LEMAIRE of Lewiston,
POVICH of Ellsworth, SAMSON of Jay, SNOWE-MELLO of Poland, TUTTLE of Sanford,
WHEELER of Eliot.

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

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3 **Sec. 1. 23 MRSA §7105, sub-§3**, as amended by PL 1989, c. 878,
4 Pt. G, §3, is further amended to read:

6 **3. Acquisition of certain railroad lines.** The Department
7 of Transportation may purchase or lease railroad lines or any
8 part of a railroad line or any other property located in the
9 State, owned or otherwise lawfully controlled by any railroad
10 when, in the judgment of the department, the purchase or lease of
11 those railroad lines or property is necessary to protect the
12 public interest.

14 A. Before dismantling any track that results in a cessation
15 of rail service upon all or part of a railroad line, or
16 offering any railroad property for sale, or upon the
17 abandonment of service along all or a portion of a railroad
18 line, the department shall must be given the first option to
19 lease or purchase, on just and reasonable terms, the
20 railroad line, any part of the railroad line or other
21 property. In the event that a lease is negotiated for the
22 rights-of-way, the department shall consult with municipal
23 officials and officers in the municipalities affected by the
24 abandonment of service along the line to determine the need
25 for preserving the rights-of-way along the abandoned portion
26 of the line for ~~rail~~ transportation purposes. If the
27 department finds that the welfare of the State would be
28 significantly and adversely affected by the loss of the line
29 for ~~railroad~~ transportation purposes, the department shall
30 seek to negotiate the purchase of the abandoned portion of
31 the line. In making this determination, the department
32 shall consider, among other criteria deemed significant by
33 the department, future economic development activities and
34 opportunities in the area served by the abandoned railroad
35 service. In addition, the department shall consult with the
36 Department of Economic and Community Development, the
37 Department of Conservation and the State Planning Office in
38 making the determination required in this section.

40 The department shall, in good faith, seek to lease the
41 railroad rights-of-way until it finds that the preservation
42 of the rights-of-way is not necessary for the welfare of the
43 State or until the voters of the State approve or
44 disapprove, at a statewide election, the issue of bonds to
45 purchase the rights-of-way along the abandoned portion of
46 the line.

48 Nothing in this paragraph may require the department to
49 lease or purchase the railroad rights-of-way to an entire
50 railroad line or any portion of the line for which railroad

2 service has been abandoned if the railroad corporation owner
3 does not intend to sell, lease or in any other way dispose
4 of the rights-of-way by which railroad service could be
5 easily restored along the abandoned service portion of the
6 line.

7 B. The abandonment of service shall does not mean or imply
8 that the rights-of-way on a railroad line have been
9 abandoned. In the event that the railroad, any person, firm
10 or corporation, or any agency shows interest in the eventual
11 restoration of service, the rights-of-way shall may not be
12 deemed abandoned.

13 Since it is in the best interest of the State to retain the
14 rights-of-way intact, this paragraph shall-apply applies to
15 all existing and future rights-of-way created prior to or
16 following September 30, 1989.

17 C. Whenever the department acquires railroad lines, to hold
18 and to manage for future railroad--uses transportation
19 purposes, those lines shall may not be considered abandoned
20 for railroad or other transportation purposes. The
21 commissioner shall periodically review the need to hold
22 those lines for future railroad transportation uses.
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27 **SUMMARY**

28 This bill clarifies the Department of Transportation's
29 authority to acquire railroad lines and railroad property not
30 only for rail purposes but for transportation purposes.
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