

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1732

H.P. 1240

House of Representatives, January 3, 2006

An Act To Protect Real Estate Values Impaired by Railroad Operations

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FINCH of Fairfield. (BY REQUEST)

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

4 **Sec. 1. 23 MRSA §6026** is enacted to read:

5 **§6026. Railroad company offer to purchase impaired-value**
6 **residential property**

7 **1. Offer to purchase mandatory.** A railroad company shall
8 **offer to purchase any residential property that is:**

9
10 **A. Located within 1,000 feet of the public right-of-way of**
11 **a grade crossing, measured from the nearest intersection of**
12 **rail with the edge of the public right-of-way to the nearest**
13 **point on the boundary of the residential property, at which**
14 **the sounding of whistles or horns routinely occurs; and**

15
16 **B. Continuously advertised as for sale by the owner or a**
17 **realtor, or both, and remains on the market and unsold for a**
18 **period of one year.**

19
20 **2. Purchase price.** The purchase price offered for any
21 **offer required under subsection 1 must be the lesser of:**

22
23 **A. The price listed as the sale price; and**

24
25 **B. A sum equal to the assessed value of the residential**
26 **property plus an amount equal to the percentage of the**
27 **assessed value by which the state valuation exceeds the**
28 **current valuation assessed by the municipality in which the**
29 **residential property is located.**

30
31 **3. Failure to make offer.** If a railroad company fails to
32 **make an offer as required in this section within 90 days of the**
33 **one-year period set out in subsection 1, paragraph B, the owner**
34 **of the property may initiate a civil suit in Superior Court.**
35 **Upon a finding that the railroad company failed to make the**
36 **required offer, the court shall:**

37
38 **A. Assess a fine of not less than \$10,000 per day from the**
39 **expiration of the 90-day period;**

40
41 **B. Award costs and reasonable damages to the owner; and**

42
43 **C. Compel the railroad company to purchase the property for**
44 **the purchase price as set out in subsection 2.**

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SUMMARY

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This bill requires a railroad company to offer to purchase any residential property located within 1,000 feet of a railroad grade crossing where horns or whistles are sounded that remains on the market for more than one year.

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