

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 514

S.P. 147

In Senate, February 15, 2011

An Act Regarding Conveyance of Easements across Railroad Rights-of-way

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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

2 **Sec. 1. 5 MRSA §6209, sub-§6**, as amended by PL 1993, c. 728, §13, is further
3 amended to read:

4 **6. Legislative approval.** ~~Land~~ Except as provided in this subsection, land acquired
5 under this chapter may not be sold or used for purposes other than those stated in this
6 chapter, unless approved by a 2/3 majority of the Legislature. Notwithstanding any other
7 provision of law, including a bond authorization, an easement across a railroad
8 right-of-way acquired under this chapter may be sold or conveyed without the approval of
9 the Legislature if the easement sale or conveyance is approved by the Governor and the
10 Commissioner of Conservation and is in accordance with rules established by the by the
11 Department of Conservation, Bureau of Parks and Lands under Title 12, section 1814-A.

12 **Sec. 2. 12 MRSA §598, sub-§4**, as enacted by PL 1993, c. 639, §1, is amended to
13 read:

14 **4. Reduced.** "Reduced" means a reduction in the acreage of an individual parcel or
15 lot of designated land under section 598-A. "Reduced" does not mean a reduction in the
16 value of the property. "Reduced" as applied to a railroad right-of-way acquired pursuant
17 to Title 5, chapter 353 or section 1813 does not include the conveyance of an easement
18 across that railroad right-of-way in accordance with rules adopted pursuant to section
19 1814-A.

20 **Sec. 3. 12 MRSA §598, sub-§5**, as amended by PL 1997, c. 678, §7, is further
21 amended to read:

22 **5. Substantially altered.** "Substantially altered"; in the use of designated lands,
23 means changed so as to significantly alter physical characteristics in a way that frustrates
24 the essential purposes for which that land is held by the State. The essential purposes of
25 state parks, historic sites, public access sites, facilities for boats and the Allagash
26 Wilderness Waterway are the protection, management and improvement of these
27 properties for public recreation, conservation, scenic values, nature appreciation, historic
28 preservation and interpretation, public access and related purposes. The essential
29 purposes of public reserved and nonreserved lands are the protection, management and
30 improvement of these properties for the multiple use objectives established in section
31 1847. The essential purposes of lands acquired through the Land for Maine's Future
32 Board that are not held by the Department of Inland Fisheries and Wildlife or by the
33 Department of Conservation are the protection, management and improvement of those
34 lands for recreation, conservation, farming, open space, plant and animal habitat, scenic
35 values, public access and related purposes. The essential purposes of state-owned
36 wildlife management areas and game farms are the protection, management and
37 improvement of those properties for fish and wildlife habitat and propagation, hunting,
38 trapping, fishing, recreation, propagation and harvesting of forest and other natural
39 products and related purposes. "Substantially altered" as applied to a railroad right-of-
40 way acquired pursuant to Title 5, chapter 353 or section 1813 does not include the
41 conveyance of an easement across that railroad right-of-way in accordance with rules
42 adopted pursuant to section 1814-A.

