

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2023

**CHAPTER 89
S.P. 185 - L.D. 404**

**Resolve, to Direct the
Department of Transportation
to Implement the
Recommendations of the
Mountain Division Rail Use
Advisory Council**

Preamble. Whereas, the State Railroad Preservation and Assistance Act requires the Department of Transportation to seek legislative approval for any conversion of a state-owned rail corridor in which the department controls the right-of-way to a nonrail recreational or nonrecreational transportation use; and

Whereas, Resolve 2021, chapter 52 directed the department to establish a rail corridor use advisory council to review the Mountain Division Line for potential nonrail use; and

Whereas, the Mountain Division Rail Use Advisory Council convened and met for 7 months during 2021 and 2022; and

Whereas, the 12-member Mountain Division Rail Use Advisory Council voted 11-1 to recommend the interim conversion of 31 miles of existing railroad track to a 10-foot-wide paved bicycle and pedestrian trail; and

Whereas, the State Railroad Preservation and Assistance Act further requires that once the Commissioner of Transportation receives a report from a rail corridor use advisory council that includes a recommendation of track removal or other change for interim nonrail use and the commissioner concurs with the recommendation, the commissioner shall seek legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to track removal or other change for nonrail use; and

Whereas, any track removal or other change for nonrail use is considered interim in nature and rail corridors are to be preserved for future rail use as provided under the State Railroad Preservation and Assistance Act; now, therefore, be it

Sec. 1. Trail construction on Mountain Division Line. Resolved: That, based on the recommendation of the Mountain Division Rail Use Advisory Council and pursuant to the Maine Revised Statutes, Title 23, section 7107, the Department of Transportation shall, subject to available funding resources, permitting and municipal agreements, remove 31 miles of state-owned inactive existing railroad track between the Town of Standish and the Town of Fryeburg and replace the track with an interim 10-foot-wide bicycle and

pedestrian trail, surfaced with either pavement or stone dust on the existing rail bed.

See title page for effective date.

**CHAPTER 90
S.P. 454 - L.D. 1120**

**Resolve, to Install a Suicide
Barrier on the Penobscot
Narrows Bridge**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a common method of suicide is jumping from high structures, including bridges, buildings and parking structures; and

Whereas, the Penobscot Narrows Bridge, with its substantial height of well over 100 feet combined with its lack of safety barriers, presents a dangerous risk for people with suicidal ideations; and

Whereas, there have been numerous suicide attempts from the Penobscot Narrows Bridge since its construction in 2006, many of them resulting in death; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Pedestrian barrier fences. Resolved: That the Department of Transportation shall construct and maintain pedestrian barrier fences on the Penobscot Narrows Bridge crossing the Penobscot River on Route 3 between the Town of Prospect and the Town of Verona Island for the purpose of suicide prevention.

Sec. 2. Report. Resolved: That, beginning 6 months after the effective date of this resolve and every subsequent 6 months until the fences are installed as required in section 1, the Department of Transportation shall report on the progress of the installation to the joint standing committee of the Legislature having jurisdiction over transportation matters.

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF
Highway and Bridge Capital 0406**

Initiative: Provides one-time allocations to construct and maintain pedestrian barrier fences on the Penobscot Narrows Bridge.