



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 404

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S.P. 185

In Senate, February 2, 2023

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

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

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

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

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

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

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

22 **Sec. 1. Trail construction on Mountain Division Line. Resolved:** That, based  
23 on the recommendation of the Mountain Division Rail Use Advisory Council and pursuant  
24 to the Maine Revised Statutes, Title 23, section 7107, the Department of Transportation  
25 shall, subject to available funding resources, permitting and municipal agreements, remove  
26 31 miles of state-owned inactive existing railroad track in the Town of Standish and the  
27 Town of Fryeburg and replace the track with an interim 10-foot-wide bicycle and  
28 pedestrian trail, surfaced with either pavement or stone dust on the existing rail bed.

29 **SUMMARY**

30 This resolve directs the Department of Transportation, subject to available funding  
31 resources, permitting and municipal agreements, to remove 31 miles of state-owned  
32 inactive existing railroad track in the Town of Standish and the Town of Fryeburg and  
33 replace the track with an interim 10-foot-wide bicycle and pedestrian trail, surfaced with  
34 either pavement or stone dust on the existing rail bed.