



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1478

S.P. 576

In Senate, December 18, 2015

**An Act To Reestablish Recreational Use of a Historic Trolley Line in
the Town of Gray**

(EMERGENCY)

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

Received by the Secretary of the Senate on December 18, 2015. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

Handwritten signature of Heather J.R. Priest in cursive.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BREEN of Cumberland.
Cosponsored by Representative AUSTIN of Gray and
Senator: DIAMOND of Cumberland, Representatives: COREY of Windham, ESPLING of
New Gloucester, FECTEAU of Biddeford, GOLDEN of Lewiston.

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

3 **Whereas,** current law provides permit requirements for areas within the shoreland
4 zone and areas subject to the Natural Resources Protection Act; and

5 **Whereas,** the reestablishment of a historic electric trolley line within those areas in
6 the Town of Gray is proposed; and

7 **Whereas,** the reestablishment of the trolley line will require an exemption from
8 certain shoreland zone and Natural Resources Protection Act requirements; and

9 **Whereas,** the reestablishment of the trolley line will provide a statewide historic
10 preservation project; and

11 **Whereas,** the reestablishment of the trolley line will take place within a tax
12 increment financing district that provides economic development for a large region; and

13 **Whereas,** enactment of this legislation before the expiration of the 90-day period is
14 necessary to ensure that the reestablishment of the trolley line can be undertaken in a
15 timely manner; and

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

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

21 **Sec. 1. Exemption from shoreland zoning setback requirements and**
22 **vegetation clearing standards for narrow gauge railroad.** Notwithstanding the
23 Maine Revised Statutes, Title 38, section 439-A, subsections 4 and 6, for the purpose of
24 operating the Maine Narrow Gauge Railroad Company and Museum, a nonprofit
25 organization described in Section 501(c)(3) of the United States Internal Revenue Code
26 of 1986, the Town of Gray may adopt an ordinance that exempts from the setback
27 requirements and vegetation clearing standards otherwise applicable under Title 38,
28 section 439-A, subsections 4 and 6 certain strips of land known as the railroad corridor of
29 the former Portland, Gray and Lewiston Railroad located between Long Hill Road and
30 Yarmouth Road in the Town of Gray, Cumberland County and being the same premises
31 depicted on the Town of Gray Tax Map 59, Block 31, Lot 16 and described in a deed
32 recorded in the Cumberland County Registry of Deeds, Book 31701, Page 37.

33 **Sec. 2. Exemption from Natural Resources Protection Act for narrow**
34 **gauge railroad.** Notwithstanding the Maine Revised Statutes, Title 38, section 480-C,
35 a permit is not required for the altering of a freshwater wetland for the purpose of clearing
36 vegetation associated with the operation of the Maine Narrow Gauge Railroad Company
37 and Museum, a nonprofit organization described in Section 501(c)(3) of the United States
38 Internal Revenue Code of 1986, on certain strips of land known as the railroad corridor of

1 the former Portland, Gray and Lewiston Railroad located between Long Hill Road and
2 Yarmouth Road in the Town of Gray, Cumberland County and being the same premises
3 depicted on the Town of Gray Tax Map 59, Block 31, Lot 16 and described in a deed
4 recorded in the Cumberland County Registry of Deeds, Book 31701, Page 37.

5 **Emergency clause.** In view of the emergency cited in the preamble, this
6 legislation takes effect when approved.

7 **SUMMARY**

8 This bill allows the Town of Gray to exempt certain strips of land from shoreland
9 zoning setback requirements and vegetation clearing standards for the purpose of
10 operating the Maine Narrow Gauge Railroad Company and Museum. The bill also
11 exempts those strips of land from the requirement to obtain a Natural Resources
12 Protection Act permit for the clearing of vegetation associated with the operation of the
13 Maine Narrow Gauge Railroad Company and Museum.