

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

Whereas, enactment of this legislation before the expiration of the 90-day period is necessary to ensure that the reestablishment of the trolley line can be undertaken in a timely manner; 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 enacted by the People of the State of Maine as follows:

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

Sec. 2. Exemption from Natural Resources Protection Act for narrow gauge railroad. Notwithstanding the Maine Revised Statutes, Title 38, section 480-C, a permit is not required for the altering of a freshwater wetland for the purpose of clearing vegetation associated with the operation

of the Maine Narrow Gauge Railroad Company and Museum, a nonprofit organization described in Section 501(c)(3) of the United States Internal Revenue Code of 1986, on certain strips of land known as the railroad corridor of the former Portland, Gray and Lewiston Railroad located between Long Hill Road and Yarmouth Road in the Town of Gray, Cumberland County and being the same premises depicted on the Town of Gray Tax Map 59, Block 31, Lot 16 and described in a deed recorded in the Cumberland County Registry of Deeds, Book 31701, Page 37.

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

SUMMARY

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