

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1333

H. P. 972

House of Representatives, March 4, 1971

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Payson of Falmouth.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT to Provide for Coastal Island Trusts.

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

R. S., T. 12, c. 204-A, additional. Title 12 of the Revised Statutes is amended by adding a new chapter 204-A, to read as follows:

CHAPTER 204-A

COASTAL ISLAND TRUSTS

§ 641. Findings and purpose

The coastal islands of the State of Maine are a unique resource, not duplicated anywhere in the world, which offer recreational, commercial, cultural, scientific, historic and educational potential and values to all citizens.

In this time of accelerating pressures on the individual and on society as a whole, in this time of tension, rapid urbanization and environmental degradation through the country, the islands of Maine, rather than being important for exploration and defense, as they have been traditionally, are now important as places of controlled commercial development and as places of sanctuary for recreation and self-renewal. These same ills of accelerating pressures, times of tension, rapid urbanization and environmental degradation which beset the country are threatening to reach and destroy this fragile resource of the coastal islands of Maine, a resource so vulnerable to both the destructive forces of nature and to the inconsiderate actions of man.

The Legislature finds that the coastal islands of Maine are a great and unique resource which will become of even greater importance to the needs of the citizens of Maine and the citizens of our east-coast neighbors and the

citizens of all states; that modern man's penchant for uncontrolled development threatens the coastal islands of Maine; that it is of special and utmost importance for us to take steps to insure that these coastal islands of Maine will be developed and used in a manner consistent with the public's health, safety and general welfare, particularly in a manner consistent with the maintenance of the coastal island environment so as to best serve the needs of all citizens for controlled commercial development, recreation, relaxation and self-renewal.

The purpose of this chapter is to provide a means whereby state and local officials together with federal officials, when appropriate, may take action to protect and manage coastal islands or groups of coastal islands of the State of Maine in such a manner as will best serve the needs of all citizens for controlled commercial development and sanctuaries of recreation, relaxation and self-renewal and in a manner consistent with the maintenance and improvement of the coastal island environment.

#### § 642. Coastal island trusts and coastal island trust commissions

##### 1. Coastal island trusts:

A. From time to time as it deems necessary, the Legislature may designate certain coastal islands or groups of coastal islands for inclusion in coastal island trusts.

B. The Casco Bay Islands of Maine, comprising approximately 330 islands in Cumberland and Sagadahoc Counties located northerly from the most southerly point of Richmond Island in Cape Elizabeth to Small Point in Phippsburg are designated as the Casco Bay Island Trust.

##### 2. Coastal island trust commissions:

A. From time to time as the Legislature designates certain coastal islands or groups of islands for inclusion in coastal island trusts, it shall establish coastal island trust commissions.

B. There is established a Casco Bay Island Trust Commission to administer the Casco Bay Island Trust as established.

#### § 643. Membership, term and reimbursement for expenses

1. Membership. Membership in coastal island trust commissions, hereinafter in this chapter called the commission, shall include the following:

A. A member appointed by the Governor, with the advice and consent of the Executive Council;

B. A member from each county in which the coastal island or coastal islands within the coastal island trust are located, appointed by the county commissioners of each county;

C. A member from each municipality in which the coastal island or coastal islands within the coastal island trust are located, to be appointed by the governing body of each municipality;

**D.** A member appointed by the Secretary of the United States Department of the Interior, hereafter in this chapter called the secretary, at such time as the secretary is authorized by the Congress to do so.

**2. Term.** Members of the commission shall serve for 6-year terms except the member appointed by the secretary shall serve at his pleasure. Vacancies on the commission shall be filled in the same manner as the original appointment and for the balance of the unexpired term.

**3. Reimbursement for expenses.** The commission members, while engaged in the performance of official duties, shall receive reimbursement for any necessary traveling and subsistence expenses incurred thereby to the extent funds are available but shall receive no other compensation.

#### § 644. Duties and powers

**1. Duties.** The duties of the commission shall be:

**A.** To develop and maintain a comprehensive plan to preserve, restore, utilize and develop the commercial, natural, scenic, historic and recreational values of the coastal island or islands of each coastal island trust established. Each such plan shall:

(1) Set forth the needs of the public for enjoyment of such values and set forth the availability of resources to meet such needs;

(2) Identify critical natural, scenic, historic, recreational and commercial problems and recommend desirable remedial actions to be taken by the Federal, State, county and local governments involved and by private interests;

(3) Be in accord with the comprehensive state-wide outdoor recreation plan submitted by the State of Maine pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended,

(a) To formulate uniform and coordinated policies for implementation of the plan by the Federal, State, county and local governments involved and by private interests;

(b) To encourage the State, county and local governments involved to adopt and enforce adequate master plans and zoning ordinances which will promote the use and development of privately owned lands within the coastal island trusts in a manner consistent with the commission's plan, and

(c) To issue guidelines prescribing standards for such plans and ordinances, and provide technical assistance in obtaining their adoption.

Before the adoption of any plans, revisions thereto, guidelines, standards or regulations, the commission shall hold a public hearing thereon.

**2. Powers.** The commission shall have the power:

**A.** To provide for its own organization and procedures and to adopt rules and regulations governing its meetings and transactions except that a

majority vote of its total membership shall be required in every action taken by the commission;

B. To enter into contracts or agreements with any person or legal or governmental entity necessary to carry out the duties and powers of the commission;

C. To sue or be sued;

D. To grant concessions, if deemed desirable;

E. To appoint its own employees and to fix the terms and conditions of their employment and compensation;

F. To purchase, lease, accept and otherwise acquire, to hold, use and manage, to sell, assign, give, transfer and otherwise dispose of donations, services, grants, property, real, personal or mixed, tangible or intangible and interests therein from or to any person or legal or governmental entity;

G. To issue and enforce such rules and regulations as it deems necessary to regulate the use of any property under its jurisdiction in order to carry out its duties, contracts and agreements;

H. To adopt such rules of procedure as it deems desirable to enable it to perform its duties, contracts and agreements.

In addition, if the State of Maine or any of its political subdivisions has failed, at any time after the expiration of 2 years from the date of the commission's adoption of a plan or revisions thereto, to adopt and enforce master plans and zoning ordinances consistent with the commission's plan, or acquire any privately owned property or interests therein recommended for acquisition by such governments in the commission's plan, the commission is empowered to adopt and enforce such plans and regulations necessary to carry out the commission's plan, and acquire such property or interests therein by donation, negotiated purchase or by eminent domain in accordance with the procedures set forth in Title 35, chapter 263, necessary to carry out the commission's plan. Neither the State nor Federal Government or any agencies thereof shall be liable for any award or compensation due by reason of a taking by eminent domain.

#### § 645. Tax exemption

The commission and any income or property received or owned by it, and all transactions relative to such income or property, shall be exempt from all state and local taxation with respect thereto.

#### § 646. Relation to other laws

Nothing contained in this chapter shall be deemed to exempt any person from complying with any state or federal law or any rule or regulation of any state or federal agency.

## STATEMENT OF FACT

The purpose of this law is to provide a method for establishing coastal island trusts and coastal island trust commissions for the reasons set forth in the Findings and Purpose and to enable the State of Maine to take advantage of federal legislation authorizing federal participation, and federal aid, including funds for coastal island trusts, should such legislation be enacted as proposed by the Bureau of Outdoor Recreation, United States Department of the Interior.