

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 435

H. P. 317

House of Representatives, January 30, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Mulkern of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Removal of Dilapidated Wharves or Piers.

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

R. S., T. 23, c. 10, additional. Title 23 of the Revised Statutes is amended by adding a new chapter 10 to read as follows:

CHAPTER 10

WHARVES OR PIERS

§ 611. Removal of dilapidated wharves or piers; liability for cost; lien

The Department of Transportation shall remove or cause to be removed any wharf or pier located in the tidewaters or tide lands of the State, which in the opinion of the department is dilapidated, unsafe, a menace to navigation or is a source of floating debris that is, or is liable to become, a menace to navigation.

If the owner of record of such wharf or pier is known to the department, the department shall give such owner written notice to remove such wharf or pier within a reasonable time therein specified. Such notice shall be deemed sufficient if delivered to the owner in hand, if left at his usual place of business or abode or if sent by certified mail to his last known post-office address.

If such wharf or pier is not removed in a manner satisfactory to the department within the time specified in such notice, or if the department has been unable to make sufficient service of such notice, the department shall remove, complete that removal or cause to be removed such wharf or pier. The owner of such wharf or pier shall be liable to the State for the costs and

expenses of such removal. If the owner fails to reimburse the State within 30 days of such removal, the department, in the name of the State, may take a lien on any real property held by the owner of said wharf or pier. The State shall place on record in the proper registry of deeds or registry district, as the case may be, an instrument in writing and under seal executed in common form and acknowledged in the same manner as deeds for real property creating a lien upon such real estate for the amount of the costs and expenses of such removal. The instrument shall be recorded or registered without fee. Such lien shall be enforceable by a petition filed by the Attorney General in the Superior Court for the county wherein the real estate is situated. The subpoena shall be returnable not more than 30 days subsequent to the entry of the bill and shall contain a brief description of the property, sufficient to identify it, and a statement of the amount alleged to be due. Upon reimbursement for the amount due under the terms of such lien, the Attorney General shall execute and deliver a satisfaction thereof, and, upon its being recorded or registered, the lien shall be dissolved as of the date of such recordation or registration.

The department may make application to the Government of the United States for reimbursement of any amounts expended under any provision of this section.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.