

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 567**

H. P. 465

House of Representatives, February 6, 1975

On Motion of Mr. Palmer of Nobleboro referred to Committee on Public Lands. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Blodgett of Waldoboro.

Cosponsor: Mrs. Hutchings of Lincolnville.

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**STATE OF MAINE**

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE**

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**AN ACT to Authorize the Board of Environmental Protection to Issue  
Licenses, Permits or Approvals for Projects Involving Submerged Lands.**

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

Whereas, the Board of Environmental Protection issues licenses, permits or approvals under the protection and improvement of water statutes, the great ponds statute and the wetlands statute; and

Whereas, activities undertaken under these licenses, permits or approvals frequently involve submerged lands; and

Whereas, submerged lands are in the public domain; and

Whereas, the inability to authorize undertaking in, above or under submerged lands causes inconveniences and hardships for the citizens of the State of Maine; 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:

38 MRSA, § 361, as last amended by PL 1973, c. 788, § 206, is further amended by inserting at the end the following new paragraph:

Whenever the Board of Environmental Protection issues a license, permit or approval under any law administered by it, the license, permit or approval shall be deemed to include the right to use any submerged lands of the State of Maine which are included within the scope of the project for which the license, permit or approval was granted. It shall not be a prerequisite to the granting of such license, permit or approval that the applicant therefor has obtained right, title or interest to the submerged lands of the State of Maine.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The Department of Environmental Protection has been advised that projects cannot be reviewed unless the applicant demonstrates right, title or interest in the lands affected by the project. The Bureau of Public Lands, Department of Conservation has declared that no person can have right, title or interest in submerged lands without first obtaining some sort of permission from the Bureau of Public Lands. This bill authorizes the right to use submerged lands for an activity that qualifies for a license, permit or approval under the environmental laws administered by the Department of Environmental Protection.