

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1233

7 H.P. 952

House of Representatives, March 17, 1983

8 Referred to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Livesay of Brunswick.

Cosponsors: Senator Perkins of Hancock and Senator Clark of
11 Cumberland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Concerning Submerged and
18 Intertidal Lands Owned by the State.
19

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

22 12 MRSA §558, sub-§2, ¶B, as enacted by PL 1979,
23 c. 545, §2, is amended to read:

24 B. Grant, upon such terms and conditions, but
25 without valuable consideration, assignable ease-
26 ments for a term of years not exceeding 30 for
27 the use of submerged and intertidal lands for the
28 purposes permitted in paragraph A, provided that
29 such use:

30 (1) Is for the exclusive benefit of the
31 abutting upland owner for noncommercial
32 recreational or improvement purposes only
33 and is not intended as an amenity in fur-
34 therance of a commercial purpose;

1 (2) Occupies a total of not more than 100
2 square feet of state-owned land for any
3 lawful purpose;

4 (3) Occupies a total of not more than 2,000
5 square feet of state-owned land for the
6 exclusive purpose of landing or processing
7 shellfish, finfish or other natural products
8 of the sea or for other activities directly
9 related to the purpose of landing or pro-
10 cessing shellfish, finfish or natural sea
11 products, including fueling, loading or
12 selling these products; ~~or~~

13 (4) Is for harbor improvement by the Fed-
14 eral Government; or

15 (5) Is submerged or intertidal lands adja-
16 cent to a pier, wharf or dock normally occu-
17 piated as a berthing space for ships, vessels
18 or boats moored to that pier, wharf or dock
19 existing or to be constructed on state land;
20 or is submerged or intertidal lands upon
21 which no structure exists but is contained
22 within the bounds of a structure such as a
23 lobster pound, fish weir or the like and the
24 land actually occupied by that structure is
25 the subject of a lease for consideration
26 granted in accordance with paragraph A.

27 STATEMENT OF FACT

28 The purpose of this bill is to amend the law
29 dealing with the granting of easements of state-
30 owned, submerged and intertidal lands. The bill
31 would permit the granting of easements for lands ad-
32 jacent to piers, wharves and docks on state land and
33 land contained within the bounds of structures like
34 lobster pounds or fish weirs which are on land leased
35 from the State.

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