

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1338

H.P. 992 House of Representatives, April 23, 1987
Reference to the Committee on Marine Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative COLES of Harpswell.

Cosponsored by Representatives VOSE of Eastport and
CARROLL of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Concerning Removal of Submerged
2 Watercraft in Coastal Waters of this State.
3

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

6 38 MRSA §163 is enacted to read:

7 §163. Submerged watercraft in coastal waters of this
8 State

9 1. Definitions. As used in this section, unless
10 the context otherwise indicates, the following terms
11 have the following meanings.

12 A. "Owner" means a person who claims lawful pos-
13 session of a watercraft by virtue of legal title
14 or equitable interest in the watercraft which
15 entitles him to possession.

1 B. "Watercraft" means any type of vessel, boat,
2 barge, float or craft used or capable of being
3 used as a means of transportation on water other
4 than a seaplane. The definition does not include
5 watercraft under 20 feet in length.

6 C. "Coastal waters of this State" means all wa-
7 ters and all federal waters within the jurisdic-
8 tion of this State within the rise and fall of
9 the tide, not above a dam or fishway when it di-
10 vides tidewater and fresh water.

11 2. Notice of submerged watercraft to be given to
12 department. The owner of any watercraft, which be-
13 comes submerged or partially submerged in the coastal
14 waters of this State, shall notify immediately, by
15 the fastest means of communication, the Commissioner
16 of Marine Resources of the event and the location of
17 the watercraft.

18 The commissioner shall notify, upon receiving notice
19 of a submerged or partially submerged watercraft, the
20 State Police Chief, the Commissioner of Environmental
21 Protection and the municipality which has jurisdic-
22 tion over the water.

23 3. Formal request by department to federal au-
24 thorities. The commissioner shall notify, upon re-
25 ceiving notice of a submerged or partially submerged
26 watercraft, the proper federal authorities and make a
27 formal request for removal of the submerged or par-
28 tially submerged watercraft in accordance with feder-
29 al rules and regulations. The commissioner shall no-
30 tify the owner of the watercraft, the State Police
31 Chief, the Commissioner of Environmental Protection
32 and the municipality which has jurisdiction over the
33 water of the response of the federal authorities.

34 4. Federal authorities not responsible for re-
35 moval; owner legally liable to remove watercraft. If
36 the response of the federal authorities does not pro-
37 vide for removal of the watercraft by the Federal
38 Government, the commissioner shall give notice to and
39 require the owner of the watercraft who shall be le-
40 gally liable to remove any watercraft submerged or
41 partially submerged in the coastal waters of this
42 State and pay any damages resulting from the

1 submersion or removal. The watercraft shall be re-
2 moved within 60 days of notification from the commis-
3 sioner or within 60 days of "ice out" in the body of
4 water, unless the commissioner determines that the
5 watercraft creates a health or safety hazard. If the
6 commissioner determines that the watercraft creates a
7 health or safety hazard, he shall order the owner to
8 remove the watercraft immediately. If the owner
9 fails to remove the watercraft upon order of the com-
10 missioner, the commissioner shall request, in writ-
11 ing, the court to direct the owner to remove the ve-
12 hicle immediately.

13 5. Method of removal. Method of removal of the
14 submerged or partially submerged watercraft must be
15 in compliance with the State's land use and environ-
16 mental laws.

17 6. Penalties. A conviction or adjudication of
18 any person for a violation of this section is a civil
19 violation for which a forfeiture equal to the esti-
20 mated cost of removal may be adjudged. In addition
21 to a forfeiture or instead of a forfeiture, the judge
22 may direct the person convicted to remove the water-
23 craft.

24 7. Rules. The commissioner may promulgate, in
25 accordance with the provisions of the Maine Adminis-
26 trative Procedure Act, Title 5, chapter 375, any
27 rules necessary to carry out the purposes of this
28 chapter.

29 8. Ordinances. The municipality which has ju-
30 risdiction over the water may adopt any ordinances
31 necessary to carry out the purposes of this Act.

32 9. Abandonment of watercraft by owner. If the
33 owner of the watercraft cannot be located and federal
34 authorities are not responsible for removal, those
35 watercraft that have been submerged for a period of
36 longer than 60 days shall be deemed abandoned and may
37 be removed at the expense of the State. The State,
38 in such case, shall bear no liability toward the
39 former owner of the watercraft. Any funds derived
40 from the sale of a watercraft removed by the State
41 shall first be applied to the costs of State Govern-
42 ment and local government directly related to the

1 damage caused by or expense of removal of a submerged
2 or partially submerged watercraft. Any funds remain-
3 ing shall be applied to any liens against the water-
4 craft.

5 STATEMENT OF FACT

6 This bill provides for the disposition of aban-
7 doned, submerged and partially submerged watercraft
8 in the coastal waters of this State.

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