

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2289

H.P. 1671 House of Representatives, February 17, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.
EDWIN H. PERT, Clerk
Presented by Representative MITCHELL of Freeport.
Cosponsored by Representatives OLIVER of Portland,
HOLLOWAY of Edgecomb and RAND of Portland.

STATE OF MAINE

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

1 **AN ACT to Prohibit the Establishment of**
2 **Docking Condominiums on Tidewaters, Lakes**
3 **and Great Ponds.**
4

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

7 **Sec. 1. 12 MRSA c. 202-B is enacted to read:**

8 CHAPTER 202-B

1 PRESERVATION OF THE PUBLIC INTEREST
2 IN SHOREFRONT PROPERTY

3 §581. Legislative findings

4 The Legislature finds that private ownership of
5 waterfront property which has the effect of
6 significantly restricting the marine resources
7 industry from access to this property is not in the
8 best interests of the State. The welfare of the
9 citizens of the State requires preservation of public
10 access to waterfront property. In addition, it is in
11 the State's best interest to preserve the marine
12 resources industry from displacement by other private
13 interests. If the marine resources industry is
14 successfully excluded from the State's shoreland, a
15 natural resource-based industry with significant
16 beneficial impact on the State will be lost. The loss
17 of this industry will have significant adverse effects
18 on the citizens of the State.

19 §582. Definitions

20 As used in this chapter, unless the context
21 otherwise indicates, the following words have the
22 following meanings.

23 1. Docking condominium. "Docking condominium,"
24 more commonly known as "dockominium," means any wharf,
25 pier, float or other structure providing berthing
26 space for any boat or vessel and the berthing space is
27 sold or leased to a boat or vessel owner or other
28 person for more than one year.

29 2. Marine resources industry. "Marine resources
30 industry" means any industry in which a livelihood is
31 derived from the harvesting or processing of marine
32 resources, including aquaculture, shellfish or finfish
33 harvesting or processing, and shipbuilding.

34 §583. Prohibition

1 entities for the purpose of creating a docking
2 condominium. In addition, the bill prohibits the
3 creation of docking condominiums on great ponds and
4 freshwater wetlands.

5 Docking condominiums are common in southern New
6 England, in several Atlantic coastal states and along
7 the California coast. Docking condominiums allow
8 individuals or firms to purchase berthing slips for
9 boats and vessels in the same way that people purchase
10 condominiums. The prices for docking condominiums
11 vary, but commonly range from \$700 per foot to \$2,500
12 or more per foot.

13 Docking condominiums not only prevent public
14 access to shoreline areas in which they are located,
15 they also close opportunities for competing users,
16 particularly users with fewer resources than docking
17 condominium owners. In this State, the competing use
18 that will be seriously harmed by docking condominiums
19 is the marine resources industry. A fisherman cannot
20 afford \$50,000 or \$100,000 to purchase a docking
21 condominium when the current facility used by the
22 fisherman is converted to a docking condominium, or
23 current fishing boat landing sites become scarce. In
24 addition, docking condominiums will have serious and
25 adverse impacts upon aquaculture, clam beds and other
26 natural resources.

27 The loss of the marine resources industry would be
28 devastating to the State. In addition, the loss of
29 natural resources, shoreland, marine tide and other
30 shorefront property will also have an adverse impact
31 upon the State.

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