MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

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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.

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STATE OF MAINE

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

AN ACT to Prohibit the Establishment of

Docking Condominiums on Tidewaters, Lakes

and Great Ponds.

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

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

CHAPTER 202-B

Page 1-LR4121

The Legislature finds that private ownership of waterfront property which has the effect of significantly restricting the marine resources industry from access to this property is not in the best interests of the State. The welfare of the citizens of the State requires preservation of public access to waterfront property. In addition, it is in the State's best interest to preserve the marine resources industry from displacement by other private interests. If the marine resources industry is successfully excluded from the State's shoreland, a

natural resource-based industry with significant beneficial impact on the State will be lost. The loss of this industry will have significant adverse effects on the citizens of the State.

§582. Definitions

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

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

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

§583. Prohibition

\bigcirc 1	The director shall not lease any submorged or
2	The director shall not lease any submerged or intertidal lands owned by the State for the purpose of
3	allowing or enabling a docking condominium to be
4	established or any type of boat or vessel berthing
5	structure or space to be operated as a docking
<i></i>	condominium.
7	1 manualina mba was of basilina abiwahuman
8	1. Exception. The use of berthing structures, facilities or space by the marine resources industry
9	is not considered a docking condominium.
	15 NOT CONSIDERED A GOCKING CONDUMENTALINE
10	Sec. 2. 38 MRSA §361-A, sub-\$1-F is enacted to
11	read:
12 13	1-F. Docking condominium. "Docking condominium"
14	has the same meaning as set forth in Title 12, section 582, subsection 1.
14	Joz, Subsection 1.
15	Sec. 3. 38 MRSA §393-A is enacted to read:
16	§393-A. Docking condominiums prohibited
1.50	
17	1. Docking condominiums prohibited. The board
18 19	shall not authorize or grant any permit for the construction, reconstruction or rehabilitation of any
20	structure to be used as a docking condominium.
	Beldetate to be abea ab a according condominium.
21	A. No person who receives any authorization or
22	permit from the board for the construction, reconstruction or rehabilitation of any structure
2 3	reconstruction or rehabilitation of any structure
24	may establish or operate a docking condominium.
25	Sec. 4. 38 MRSA §408, sub-§1 is enacted to read:
25	Sec. 4. 38 MRSA 9408, Sub-91 1s enacted to read:
26	1. Docking condominiums prohibited. No person
27	may construct, reconstruct or rehabilitate any wharf,
28	pier, float or structure to be used as a docking
29	condominium.
20	GENERALINE OF TRACE
30	STATEMENT OF FACT
31	This bill prohibits the State from leasing
32	submerged and intertidal lands to any persons or
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entities for the purpose of creating a docking condominium. In addition, the bill prohibits the creation of docking condominiums on great ponds and freshwater wetlands.

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

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

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