

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 791

H.P. 587

House of Representatives, March 15, 1989

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative COLES of Harpswell.

Cosponsored by Representative LOOK of Jonesboro, Senator ESTES of York and Representative TOWNSEND of Eastport.

STATE OF MAINE

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

An Act Concerning the Disposal of Abandoned Watercraft.



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

3 **Sec. 1. 30-A MRSA §4506, sub-§5, ¶¶P and Q,** as enacted by PL
5 1987, c. 737, Pt. A, §2 and Pt. C, §106, and amended by PL 1989,
c. 6, are further amended to read:

7 P. Waste water discharge licenses issued pursuant to Title
9 38, section 413, subsection 8; and

11 Q. Shoreland zoning ordinances adopted pursuant to Title
13 38, sections 435 to 447, including those which were
state-imposed; and

15 **Sec. 2. 30-A MRSA §4506, sub-§5, ¶R** is enacted to read:

17 R. Abandoned watercraft ordinances adopted pursuant to
Title 38, chapter 1, subchapter IX.

19 **Sec. 3. 38 MRSA c. 1, sub-c. IX** is enacted to read:

21 **SUBCHAPTER IX**

23 **ABANDONED WATERCRAFT**

25 **§330. Definitions**

27 As used in this subchapter, unless the context otherwise
29 indicates, the following terms have the following meanings.

31 1. Abandoned watercraft. "Abandoned watercraft" means any
33 watercraft which are inoperative and neglected, submerged or
partially submerged or which have been left by the owner in
coastal waters, without intention of removal.

35 2. Coastal waters. "Coastal waters" means those waters
37 within the jurisdiction of the State under Title 1, section 2,
including intertidal land, as defined in Title 12, section 572.

39 3. Commissioner. "Commissioner" means the Commissioner of
41 Conservation.

43 4. Owner. "Owner" means the person who claims lawful
45 possession of a watercraft by legal title or equitable interest
in the watercraft which entitles that person to possession.

47 5. Watercraft. "Watercraft" means any type of vessel,
49 boat, barge, float or craft 20 or more feet in length which is
used or capable of use as a means of transportation on water,
51 including motors, electronic and mechanical equipment and other
machinery customarily used in the operation of watercraft.
"Watercraft" includes seaplanes.

1 **§331. Prohibition**

3 Except as provided in section 9, no person may abandon a
5 watercraft in coastal waters unless, in the case of the
7 intertidal zone, written permission has been obtained from the
9 landowner. This permission shall be obtained at the time the
 watercraft is abandoned and a copy shall immediately be submitted
 to any harbor master or appropriate municipal official
 responsible for the area and to the commissioner.

11 **§332. Ordinances**

13 A municipality in which coastal waters are located may adopt
15 any ordinances necessary to carry out the purposes of this
17 subchapter. Municipal enforcement of this subchapter shall be
 subject to the provisions of Title 30-A, section 4506.

19 **§333. Report of abandoned watercraft**

21 A harbor master, or if there is no harbor master, an
23 appropriate municipal official, who has reason to believe that a
25 vessel has been abandoned that the harbor master may subsequently
 wish the State to remove, shall report the existence of the
 watercraft to the commissioner.

27 **§334. Investigation by commissioner**

29 The commissioner shall investigate any report of an
 abandoned watercraft under this subchapter.

31 **§335. Responsibility of the commissioner**

33 1. Owner notification. Upon being notified of a possible
35 abandoned watercraft, and if the commissioner believes that the
37 watercraft is abandoned, the commissioner shall give notice to
39 the owner of the watercraft and require the owner to respond to
41 the notice within 15 days and to remove the watercraft from the
43 coastal waters within 60 days of notification or 60 days of
 ice-out in the body of water where the watercraft is located. If
 the owner of a watercraft to whom the commissioner has given
 notice does not respond to the notice and remove the watercraft
 within the time periods specified, the watercraft shall be
 considered to be abandoned.

45 2. Removal by State. Beginning July 1, 1991, the
47 commissioner shall commence a program to remove from coastal
49 waters those abandoned watercraft that have been called to the
 commissioner's attention, unless the circumstances are such as to
 make another agency of government responsible for removal, in
51 which case the commissioner shall notify that agency of the
 existence of the abandoned watercraft. Funding for removal by
 the commissioner shall come from the Public Lands Management Fund

1 and the commissioner may adjust rents and fees due under Title
2 12, section 558-A in order to meet the expenses of removal.

3
4 3. Hazardous conditions. Notwithstanding the time periods
5 for owner removal specified in subsection 1, if the commissioner
6 determines at any time that the watercraft is a health or safety
7 hazard, the commissioner may immediately remove the watercraft
8 from the coastal waters.

9
10 4. Disposal of watercraft. If the commissioner removes a
11 watercraft from coastal waters under this section, the
12 commissioner may sell the watercraft. Any money received from
13 the sale shall first be applied to the costs of the State
14 directly related to the damage by, or expense of removal of, the
15 watercraft. Next, it shall be applied to any liens against the
16 watercraft. Any money which may remain after these purposes have
17 been accomplished shall be returned to the former owner of the
18 abandoned craft.

19
20 5. Intertidal land. Abandoned watercraft located on
21 intertidal land may not be removed by the commissioner without
22 the permission of the land owner.

23 **§336. Liability for costs of removal**

24
25 The owner of an abandoned watercraft shall be liable for the
26 costs of removal of the watercraft from coastal waters. If the
27 State has removed the watercraft and has not been compensated for
28 its costs by sale of the watercraft under section 335, it may
29 recover its costs from the owner by bringing an action in
30 District Court.

31
32 **§337. Method of removal**

33
34 The method of removal of abandoned watercraft, whether by
35 the owner or by the State, shall comply with all state and
36 federal environmental laws.

37
38 **§338. Rules**

39
40 The commissioner may adopt, in accordance with Title 5,
41 chapter 375, rules necessary to carry out the purposes of this
42 subchapter.

43
44 **§339. Penalties**

45
46 The following penalties apply to violation of this
47 subchapter.

48
49 1. Criminal penalty. Any person who violates this
50 subchapter is guilty of a Class E crime.

