

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 920

H.P. 646

House of Representatives, March 1, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative DiPIETRO of South Portland.
Cosponsored by Representative MICHAUD of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Laws Relating to Submerged Land.



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

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3 **Sec. 1. 12 MRSA §558-A, sub-§2, ¶A,** as repealed and replaced
4 by PL 1989, c. 878, Pt. A, §30, is amended by repealing and
5 replacing subparagraph (1) to read:

6 (1) The director shall charge the lessee of a
7 submerged land lease according to this subparagraph.

10 (a) For nonprofit organizations or publicly owned
11 facilities that offer free public use or public
12 use with nominal user fees, the director may not
13 charge a rental fee. Public uses include but are
14 not limited to municipal utilities and facilities
15 that provide public access to the water, town
16 wharves, walkways, fishing piers, boat launches,
17 parks, nature reserves, swimming or skating areas
18 and other projects designed to allow or enhance
19 public recreation, fishing, fowling and navigation
20 and for which user fees are used exclusively for
21 the maintenance of the facility.

22 (b) For all other organizations or facilities,
23 the director may not increase the rental fee in
24 excess of that amount required as of September 30,
25 1990 under any submerged land lease in effect as
26 of that date.

27 (c) The director shall charge a rental fee of 2¢
28 per square foot of submerged lands pursuant to any
29 submerged land lease entered into by the director
30 on or after October 1, 1990;

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32
33 **Sec. 2. 12 MRSA §558-A, sub-§2, ¶A,** as repealed and replaced
34 by PL 1989, c. 878, Pt. A, §30, is amended by repealing
35 subparagraph (2).

36
37 **Sec. 3. 12 MRSA §558-A, sub-§4,** as enacted by PL 1983, c. 819,
38 Pt. A, §10, is amended to read:

39 **4. Adjustment of terms.** The director may adjust from time
40 to time, upon the written consent of the leaseholder or grantee
41 of easement and consistent with the provision of this section,
42 conditions applicable to any leasehold or easement entered into
43 under this section in any parcel of state-owned submerged or
44 intertidal land. Rent shall may not be charged for leases
45 entered into prior to July 1, 1984, if the actual use of the
46 leased land is eligible for an easement under subsection 3.
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STATEMENT OF FACT

4 This bill corrects dislocations within the State's marine
6 industry resulting from the fee structure for submerged lands
8 enacted in Public Law 1989, chapter 878. In certain instances,
10 resulting submerged land fees were reduced and in other cases
12 increased to economically unsustainable levels of 1,000% to
14 2,600% over prior set fees.

16 The discretionary authority of the Department of
Conservation, Bureau of Public Lands, under current law to adjust
ex post facto the conditions of any submerged land leasehold or
easement is clarified to now require the written consent of the
affected leaseholder or grantee of easement.