MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 88

H.P. 63

House of Representatives, January 9, 1997

An Act to Clarify That a Town's Mooring Ordinance May Grandfather Existing Commercial or Noncommercial Moorings.

Reference to the Committee on State and Local Government suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative PINKHAM of Brunswick. Cosponsored by Senator HARRIMAN of Cumberland and Representatives: BODWELL of Brunswick, BOUFFARD of Lewiston, HONEY of Boothbay, MAYO of Bath, TRIPP of Topsham.

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

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Sec. 1. 38 MRSA \S 7, as repealed and replaced by PL 1987, c. 655, \S 5, is amended to read:

§7. Relation to other laws

Nothing in this subchapter may be construed to be a limitation on the authority of municipalities to enact ordinances to regulate the assignment or placement of moorings and other activities in their harbors. These ordinances may include, but need are not be limited to: A process for assigning mooring privileges and determining the location of moorings; a waiting list for the assignment of mooring privileges; a fee schedule; construction standards for moorings; time limits on the mooring of vessels; a process for appeals from decisions of the harbor master; provisions to grandfather commercial or noncommercial moorings established prior to the adoption of the ordinance; and provisions which that establish a harbor commission or committee to administer the ordinance or ordinances and oversee the duties Regulations adopted by the municipal of the harbor master. officers under section 2 shall remain in effect unless the municipality's legislative body enacts an ordinance pertaining to the same matter pursuant to the Constitution of Maine, Article VIII, Part 2, and Title $30 \ \underline{30-A}$, section $1917 \ \underline{3001}$.

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SUMMARY

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This bill clarifies that a town's mooring ordinance may include provisions to grandfather commercial or noncommercial moorings established prior to the adoption of the ordinance.

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All moorings located in United States navigable waters are regulated by the United States Army Corps of Engineers using 2 types of federal permits. Noncommercial, single-boat moorings are authorized under the "blanket" nationwide permit program of the corps. Moorings used for commercial activities, such as rental moorings, are permitted separately by the corps under its individual permit program.

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This bill clarifies that a town, through its mooring ordinance, may choose to grandfather either, both or neither of these types of moorings.