

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1997

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Legislative Document

No. 1918

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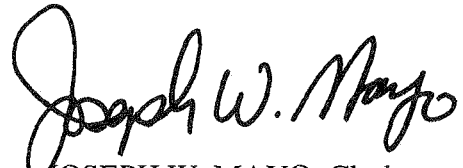
H.P. 1368

House of Representatives, December 8, 1997

**An Act to Clarify the Definition of Functionally Water-dependent Use as it Pertains to the Shoreland Zone.**

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Received by the Clerk of the House on December 4, 1997. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

  
JOSEPH W. MAYO, Clerk

Presented by Representative JONES of Greenville.  
Cosponsored by Representative McKEE of Wayne.

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

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Sec. 1. 38 MRSA §436-A, sub-§6, as enacted by PL 1987, c. 815, §§3 and 11, is amended to read:

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**6. Functionally water-dependent uses.** "Functionally water-dependent uses" means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and ~~which cannot~~ that can not be located away from these waters. These uses include commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that ~~cannot~~ can not reasonably be located or operated at an inland site and uses ~~which that~~ that primarily provide general public access to ~~marine- or tidal~~ coastal or inland waters. These uses do not include accessory uses that do not require direct access to or location in coastal or inland waters such as boathouse, storage or parking facilities.

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**SUMMARY**

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This bill amends the laws regarding mandatory shoreland zoning to provide that the definition of "functionally water-dependent uses" does not include accessory uses that do not require direct access to or location in coastal or inland waters such as boathouse, storage or parking facilities.