

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1495

H.P. 1064

House of Representatives, February 25, 1999

Resolve, to Regulate the Use, Operation and Type of Watercraft on Coastal Waters.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BULL of Freeport.
Cosponsored by Senator GOLDTHWAIT of Hancock and
Representatives: BAGLEY of Machias, HONEY of Boothbay, LEMONT of Kittery,
PINKHAM of Lamoine, POWERS of Rockport, STANWOOD of Southwest Harbor,
Senators: CASSIDY of Washington, KILKELLY of Lincoln.

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

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4 **Sec. 1. Recommendations for regulating the use, operation and type of**
6 **watercraft on coastal waters. Resolved:** That a municipality, with
8 the approval of its legislative body, may submit recommendations
10 to the Commissioner of Marine Resources for regulating the use,
12 operation and type of watercraft on coastal waters abutting that
14 municipality. For coastal waters that border more than one
16 municipality, recommendations may be submitted only after
18 approval by the legislative bodies of all municipalities in which
20 those waters are located. For coastal waters that border lands
22 within the jurisdiction of the Maine Land Use Regulation
 Commission, the approval of the commission is also required. If a
 municipality chooses to prepare recommendations for such waters,
 it shall take into consideration the use to which those waters
 are put, the depth of the water, the amount of water-borne
 traffic on the waters, wildlife and environmental values, noise,
 traditional uses of the water body and the safety of persons and
 property. These recommendations may be submitted only after a
 public hearing and must include a description of the resources
 the municipality or municipalities will use to assist with
 enforcing those regulations if enacted.

24 The commissioner shall submit a report to the First Regular
26 Session of the 120th Legislature by January 15, 2001 on the
28 recommendations received from municipalities prior to November 1,
30 2000 and shall submit a report to the Second Regular Session of
32 the 120th Legislature by January 15, 2002 on the recommendations
34 received from municipalities between November 1, 2000 and October
36 30, 2001. Each report must be accompanied by legislation
38 implementing the municipal recommendations supported by the
40 Department of Marine Resources. That legislation may also include
 recommendations of the department, developed using the criteria
 in this section, for waters not addressed in the municipal
 proposals. The joint standing committee having jurisdiction over
 marine resource matters is authorized to report out legislation
 to implement these recommendations during the Second Regular
 Session of the 119th Legislature and during the First Regular
 Session of the 120th Legislature; and be it further

42 **Sec. 2. Joint agency report. Resolved:** That the Maine Land Use
44 Regulation Commission, the Department of Inland Fisheries and
46 Wildlife and the Department of Conservation, Bureau of Parks and
48 Lands shall jointly report no later than January 1, 2001 to the
50 joint standing committee of the Legislature having jurisdiction
 over marine resource matters on the regulation of surface water
 uses on coastal waters that abut land within their jurisdiction.
 In preparing the report and recommendations, the agencies shall
 consult among themselves and with any other state or federal
 agency having administrative authority for lands that abut
 coastal waters. The report must include recommendations for

2 surface water use regulations on coastal waters that abut land
within that agency's jurisdiction.

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SUMMARY

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8 This resolve establishes a process whereby municipalities
can request legislative action to regulate surface water uses on
10 coastal waters abutting that municipality. The resolve calls for
the first round of those municipal requests to be presented to
12 the Legislature in the First Regular Session of the 120th
Legislature. A 2nd round of requests is also authorized for
14 submission to the Second Regular Session of the 120th
Legislature. The resolve also authorizes the Department of
16 Conservation, Bureau of Parks and Lands, the Department of Inland
Fisheries and Wildlife and the Maine Land Use Regulation
18 Commission to work together on recommendations for coastal waters
that abut land controlled by the Federal Government or the State
Government.

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