

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1786

S.P. 610

In Senate, May 2, 2001

An Act to Amend the Review Criteria for Submerged Leases of Coastal Waters.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ABROMSON of Cumberland.
Cosponsored by Representative DAVIS of Falmouth.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, the Department of Marine Resources has pending
6 before it applications for leases for review; and

8 Whereas, it is necessary that this legislation be enacted as
an emergency in order that the department may apply the new
10 criteria when reviewing the pending applications; and

12 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
14 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
16 safety; now, therefore,

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

20 **Sec. 1. 12 MRSA §6072, sub-§7-A, ¶¶E and F,** as enacted by PL
1987, c. 453, §1, are amended to read:

22 E. The applicant has demonstrated that there is an
24 available source of organisms to be cultured for the lease
site; and

26 F. The lease does not unreasonably interfere with public
28 use or enjoyment within 1,000 3,000 feet of municipally
owned, state owned or federally owned beaches and parks or
30 municipally owned, state owned or federally owned docking
facilities; and

32 **Sec. 2. 12 MRSA §6072, sub-§7-A, ¶G** is enacted to read:

34 G. The lease will not adversely affect the rights of
36 riparian owners by diminishing their overall economic
interests, including property values; by creating a
38 nuisance; by negatively affecting aesthetic values and
views; by negatively affecting ecological conditions; or by
40 being incompatible with existing recreational and
residential uses.

42 For purposes of this paragraph, "riparian owner" means a
44 shorefront owner whose property boundaries are within 3,000
feet of the proposed lease boundaries.

46 **Emergency clause.** In view of the emergency cited in the
48 preamble, this Act takes effect when approved.

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SUMMARY

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4 This bill amends the review criteria for submerged leases of
coastal waters. Previously, the statutes did not allow a
6 submerged lease to interfere with public use or enjoyment of
docking facilities by creating a 1,000 foot area of protection
around docking facilities. This bill increases that protected
8 area to 3,000 feet around docking areas. The bill also adds, as
part of the criteria that must be met in granting a lease, that
10 the proposed project will not adversely affect the overall
economic interests of riparian owners. The bill also defines
12 riparian owner to mean a shorefront owner whose property
boundaries are within 3,000 feet of the proposed lease boundaries.