

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1531

H.P. 1123

House of Representatives, April 8, 2003

An Act To Amend Provisions of the Submerged Lands Law

Submitted by the Department of Conservation pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative DUDLEY of Portland.
Cosponsored by Senator YOUNGBLOOD of Penobscot.

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

2
4 **Sec. 1. 12 MRSA §1862, sub-§2, ¶C**, as enacted by PL 1997, c. 678, §13, is amended to read:

6 C. The director shall charge an administrative fee of \$100
8 for each lease in addition to any rent. A fee of \$200 must
 be charged for a lease application that is received after
 work has begun for the proposed project.

10 **Sec. 2. 12 MRSA §1862, sub-§3**, as enacted by PL 1997, c. 678,
12 §13, is amended to read:

14 **3. Easements.** The director may grant, upon terms and
16 conditions the director considers reasonable, assignable
18 easements for a term not to exceed 30 years for the use of
20 submerged and intertidal lands for the purposes permitted in
22 subsection 2. The grantee shall pay an administrative fee of \$50
24 \$100 for each easement at the time of processing and a
26 registration fee of \$50 due every 5 years. An administrative fee
28 of \$200 must be charged for an easement application that is
30 received after work has begun for the proposed project. The
32 director may refuse to grant an easement for the use of submerged
34 and intertidal lands if the director determines that the easement
36 will unreasonably interfere with customary or traditional public
38 access ways to or public trust rights in, on or over the
40 intertidal or submerged lands and the waters above those lands.
42 The director may grant an easement for submerged and intertidal
44 lands if a structure:

32 A. Is for the exclusive benefit of the abutting upland
34 owner for charitable purposes as defined in the United
36 States Internal Revenue Code, Section 501, (c) (3);

36 B. Occupies a total of not more than 500 square feet of
38 submerged and intertidal land for any lawful purpose and is
40 permanent; or

40 C. Occupies a total of not more than 2,000 square feet of
42 submerged and intertidal land for the exclusive purpose of
44 commercial fishing activities and is permanent.

44 **Sec. 3. 12 MRSA §1863, sub-§2**, as enacted by PL 1997, c. 678,
46 §13, is amended to read:

46 **2. Purpose.** The purpose of the fund is to support shore
48 and harbor management improvement activities by providing grants
50 to municipalities. These activities include but are not limited
 to the development of harbor management plans and public access
 facilities. A portion of the fund, not to exceed 25% of

2 available revenues, may be used to support management programs on
3 state-owned coastal islands under the jurisdiction of the bureau.

4 **Sec. 4. 12 MRSA §1866, sub-§2,** as enacted by PL 1997, c. 678,
5 §13, is amended to read:

6
7 **2. Eligibility.** An abandoned watercraft is subject to
8 removal under this section only under the following conditions.

9
10 A. A permit under Title 38, section 9 has not been granted
11 by the municipal board or commission entrusted with harbor
12 management for the area.

13
14 B. A landowner has not granted permission to a watercraft
15 owner to abandon a watercraft on that landowner's property.

16
17 C. Notice has been given the director within 120 days of
18 abandonment of watercraft the date that the municipal board
19 or commission determines, in its opinion, that the
20 watercraft has been abandoned after July 1, 1993.

21 ~~D. -- Notice has been given the director before January 1,~~
22 ~~1994 of watercraft abandoned for less than 25 years before~~
23 ~~October 9, 1991.~~

24
25 Watercraft that have been abandoned ~~for more than 25 years before~~
26 ~~October 9, 1991~~ prior to July 1, 1993 are not subject to removal
27 under this section.

28
29 The municipal board or commission entrusted with harbor
30 management is responsible for the notice requirements under this
31 subsection.

32
33 **Sec. 5. 12 MRSA §1866, sub-§4, ¶A,** as enacted by PL 1997, c.
34 678, §13, is amended to read:

35
36
37 A. After notification under subsection 2, the director
38 shall investigate any report of an abandoned watercraft and
39 give notice to the owner if an owner can be identified. The
40 notice must require the owner to respond within 15 days and
41 to remove the watercraft from the coastal waters within 60
42 days of notification by the director or, if the watercraft
43 is icebound, within 60 days of ice-out in the body of water
44 where the watercraft is located. If the owner of a
45 watercraft to whom the director has given notice does not
46 respond to the notice and remove the watercraft within the
47 time period specified or the owner can not be identified or
48 contacted, the director may initiate removal of the
watercraft is-considered-abandoned.

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Sec. 6. 12 MRSA §1866, sub-§4, ¶H is enacted to read:

H. The State is not liable to the watercraft owner or other claimant for damages or injuries in connection with the removal, storage, sale or disposal of the watercraft.

SUMMARY

This bill increases the administrative fee for submerged lands easement applications consistent with other conveyances and doubles the administrative fee for after-the-fact applications. The bill authorizes a portion of the Shore and Harbor Management Fund to be used for management of state-owned coastal islands and clarifies the provisions by which a watercraft may be declared abandoned in coastal waters of the State.