

CHAPTER 19

COASTAL MANAGEMENT POLICIES

§1801. Findings and declaration of coastal management policies

The Legislature finds that the Maine coast is an asset of immeasurable value to the people of the State and the nation, and there is a state interest in the conservation, beneficial use and effective management of the coast's resources; that development of the coastal area is increasing rapidly and that this development poses a significant threat to the resources of the coast and to the traditional livelihoods of its residents; that the United States Congress has recognized the importance of coastal resources through the passage of the United States Coastal Zone Management Act of 1972 and that in 1978 Maine initiated a coastal management program in accordance with this Act which continues to be of high priority; and that there are special needs in the conservation and development of the State's coastal resources that require a statement of legislative policy and intent with respect to state and local actions affecting the Maine coast. [PL 1985, c. 794, Pt. A, §11 (NEW).]

The Legislature declares that the well-being of the citizens of this State depends on striking a carefully considered and well reasoned balance among the competing uses of the State's coastal area. The Legislature directs that state and local agencies and federal agencies as required by the United States Coastal Zone Management Act of 1972, PL 92-583, with responsibility for regulating, planning, developing or managing coastal resources, shall conduct their activities affecting the coastal area consistent with the following policies to: [PL 1985, c. 794, Pt. A, §11 (NEW).]

1. Port and harbor development. Promote the maintenance, development and revitalization of the State's ports and harbors for fishing, transportation and recreation; [PL 1985, c. 794, Pt. A, §11 (NEW).]

2. Marine resource management. Manage the marine environment and its related resources to preserve and improve the ecological integrity and diversity of marine communities and habitats, to expand our understanding of the productivity of the Gulf of Maine and coastal waters and to enhance the economic value of the State's renewable marine resources; [PL 1985, c. 794, Pt. A, §11 (NEW).]

3. Shoreline management and access. Support shoreline management that gives preference to water-dependent uses over other uses, that promotes public access to the shoreline and that considers the cumulative effects of development on coastal resources; [PL 1985, c. 794, Pt. A, §11 (NEW).]

4. Hazard area development. Discourage growth and new development in coastal areas where, because of coastal storms, flooding, landslides or sea-level rise, it is hazardous to human health and safety; [PL 1985, c. 794, Pt. A, §11 (NEW).]

5. State and local cooperative management. Encourage and support cooperative state and municipal management of coastal resources; [PL 1985, c. 794, Pt. A, §11 (NEW).]

6. Scenic and natural areas protection. Protect and manage critical habitat and natural areas of state and national significance and maintain the scenic beauty and character of the coast even in areas where development occurs; [PL 1985, c. 794, Pt. A, §11 (NEW).]

7. Recreation and tourism. Expand the opportunities for outdoor recreation and encourage appropriate coastal tourist activities and development;

[PL 1985, c. 794, Pt. A, §11 (NEW).]

8. Water quality. Restore and maintain the quality of our fresh, marine and estuarine waters to allow for the broadest possible diversity of public and private uses; and
[PL 1985, c. 794, Pt. A, §11 (NEW).]

9. Air quality. Restore and maintain coastal air quality to protect the health of citizens and visitors and to protect enjoyment of the natural beauty and maritime characteristics of the Maine coast.
[PL 1985, c. 794, Pt. A, §11 (NEW).]

SECTION HISTORY

PL 1985, c. 794, §A11 (NEW).

§1802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 794, Pt. A, §11 (NEW).]

1. Coastal area. The "coastal area" encompasses all coastal municipalities and unorganized townships on tidal waters and all coastal islands. The inland boundary of the coastal area is the inland line of coastal town lines and the seaward boundary is the 3-nautical-mile line as shown on the most recently published Federal Government nautical chart.
[PL 2007, c. 157, §2 (AMD).]

2. Coastal management. "Coastal management" means the planning, development, conservation and regulation of coastal resource use by Federal, state, regional and local governments.
[PL 1985, c. 794, Pt. A, §11 (NEW).]

3. Coastal resources. "Coastal resources" means the coastal waters of the State and adjacent shorelands, their natural resources and related marine and wildlife habitat that together form an integrated terrestrial, estuarine and marine ecosystem.
[PL 1985, c. 794, Pt. A, §11 (NEW).]

SECTION HISTORY

PL 1985, c. 794, §A11 (NEW). PL 2007, c. 157, §2 (AMD).

§1803. Report

(REPEALED)

SECTION HISTORY

PL 1985, c. 794, §A11 (NEW). PL 2011, c. 655, Pt. EE, §24 (RP). PL 2011, c. 655, Pt. EE, §30 (AFF).

§1804. Interagency review of coastal water access issues

The Department of Agriculture, Conservation and Forestry and the Department of Marine Resources, within existing budgeted resources, shall convene a working group of staff from all state agencies that deal with coastal water access issues to share data, program activities and areas for collaboration on coastal water access issues. Each agency shall identify the coastal water access data that the agency has, the coastal water access data that the agency needs and potential funding sources for the collection of the needed data. Other stakeholders may be included as appropriate. The Department of Agriculture, Conservation and Forestry and the Department of Marine Resources shall submit a report of the working group's activities, including how the agencies can work cooperatively to make creative use of available funds to address both recreational and commercial access needs and to optimize projects that are multiuse in nature to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of every odd-numbered year. [PL 2011, c.

655, Pt. KK, §30 (AMD); PL 2011, c. 655, Pt. KK, §34 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 2001, c. 595, §1 (NEW). PL 2011, c. 655, Pt. KK, §30 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. W, §5 (REV).

§1805. Eelgrass and salt marsh vegetation mapping

In accordance with the requirements of this section and in consultation with the Department of Marine Resources, the department shall establish and administer an eelgrass and salt marsh vegetation mapping program. For the purposes of this section, "eelgrass" means the flowering marine plant species *Zostera marina* that is primarily found in shallow, protected intertidal and subtidal locations in the State. For the purposes of this section, "salt marsh vegetation" means salt-tolerant vegetation that contains a mixture of graminoids and forbs and sometimes includes cordgrasses. [PL 2021, c. 424, §1 (NEW).]

1. Mapping procedures. The department shall in accordance with the schedule in subsection 3 facilitate the production and update of eelgrass and salt marsh vegetation distribution maps for eelgrass beds and salt marsh vegetation within the State. The data collected and the maps produced and updated in accordance with this section must, to the maximum extent practicable, be compatible with the State's geographic information system. [PL 2021, c. 424, §1 (NEW).]

2. Eelgrass and Salt Marsh Vegetation Mapping Fund. The Eelgrass and Salt Marsh Vegetation Mapping Fund is created within the department as a nonlapsing dedicated fund to support the establishment and administration of the eelgrass and salt marsh vegetation mapping program required under this section. The fund may accept revenue from grants, bequests, gifts or contributions from any source, public or private. [PL 2021, c. 424, §1 (NEW).]

3. Mapping schedule. The mapping of eelgrass beds and salt marsh vegetation required under this section must be conducted in accordance with the following schedule, as department resources allow.

A. No later than November 1, 2023, mapping must be completed for that portion of the coast from Phippsburg to St. George and must be updated every 5 years thereafter. [PL 2021, c. 424, §1 (NEW).]

B. No later than November 1, 2024, mapping must be completed for that portion of the coast from St. George to Brooklin and must be updated every 5 years thereafter. [PL 2021, c. 424, §1 (NEW).]

C. No later than November 1, 2025, mapping must be completed for that portion of the coast from Brooklin to Jonesport and must be updated every 5 years thereafter. [PL 2021, c. 424, §1 (NEW).]

D. No later than November 1, 2026, mapping must be completed for that portion of the coast from Jonesport to Calais and must be updated every 5 years thereafter. [PL 2021, c. 424, §1 (NEW).]

E. No later than November 1, 2027, mapping must be completed for that portion of the coast from Eliot to Phippsburg and must be updated every 5 years thereafter. [PL 2021, c. 424, §1 (NEW).]
[PL 2021, c. 424, §1 (NEW).]

4. Availability of data and maps. The department shall make available on its publicly accessible website the data collected and maps produced and updated under this section. [PL 2021, c. 424, §1 (NEW).]

5. Report. On or before March 1, 2024, and biennially thereafter, the department shall submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural

resources matters a report summarizing the data collected and maps produced and updated under this section and including an analysis, if available, of the changes to the eelgrass beds and salt marsh vegetation within the State that are demonstrated by the data collected and maps produced under this section.

[RR 2021, c. 1, Pt. A, §55 (COR).]

SECTION HISTORY

PL 2021, c. 424, §1 (NEW). RR 2021, c. 1, Pt. A, §55 (COR).

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