

Title 38: WATERS AND NAVIGATION
Chapter 21: COASTAL BARRIER RESOURCES SYSTEM

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Maine Revised Statutes
Title 38: WATERS AND NAVIGATION
Chapter 21: COASTAL BARRIER RESOURCES SYSTEM

§1901. FINDINGS AND DECLARATION OF POLICY

The Legislature finds that Maine's coastal barriers and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological and economic importance that may be irretrievably damaged and lost due to development on and adjacent to those barriers; that Maine's coastal barriers provide habitats for migratory birds and other wildlife and habitats which are essential spawning, nursery, nesting and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms; that Maine's coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures; and that the United States Congress has recognized the importance of coastal barriers through the United States Coastal Barrier Resources Act of 1982, United States Code, Title 16, Section 3509, established a detailed process to identify coastal barriers and prohibited the expenditure of federal funds that support activities incompatible with the ability of these fragile areas to accommodate those activities. [1985, c. 794, Pt. A, §11 (NEW).]

The Legislature declares that certain areas of the Maine coast, because of their fragile nature, valuable habitat and their storm buffering abilities should be protected and conserved in their natural state and that it is inappropriate to use state funds to encourage or support activities incompatible with the ability of these areas to sustain these activities. [1985, c. 794, Pt. A, §11 (NEW).]

SECTION HISTORY
1985, c. 794, §A11 (NEW).

§1902. LIMITATIONS ON STATE EXPENDITURES AFFECTING THE SYSTEM

Except as provided in section 1903, no state funds or state financial assistance may be expended for development activities within the coastal barrier resource system, including, but not limited to: [1985, c. 794, Pt. A, §11 (NEW).]

1. Structures. The construction or purchase of any structure, appurtenance, facility or related infrastructure;

[1985, c. 794, Pt. A, §11 (NEW) .]

2. Roads, airports, boat landings. The construction of any road, airport, boat-landing facility or other facility on or bridge or causeway to, any coastal barrier; and

[1985, c. 794, Pt. A, §11 (NEW) .]

3. Erosion. The carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline or inshore area.

[1985, c. 794, Pt. A, §11 (NEW) .]

SECTION HISTORY
1985, c. 794, §A11 (NEW).

§1903. EXCEPTION TO STATE PROHIBITION

1. Expenditure of state funds for coastal barriers for the following activities. State funds may be expended on coastal barriers for the following activities:

A. The maintenance, replacement, reconstruction or repair, but not the expansion, except where expansion is necessary in order to meet minimum design requirements, of state-owned or state-operated roads, structures or facilities; and [1985, c. 794, Pt. A, §11 (NEW).]

B. Any of the following actions or projects provided they are consistent with the purposes of this chapter:

- (1) The study, management, protection or enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands and stabilization projects for fish and wildlife habitats;
- (2) Recreational uses that do not involve an irretrievable commitment of natural resources;
- (3) Scientific research, including, but not limited to, geologic, marine and fish and wildlife; and
- (4) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance or restore natural stabilization systems. [1985, c. 794, Pt. A, §11 (NEW).]

[1985, c. 794, Pt. A, §11 (NEW) .]

2. Authorization of state expenditures. The Governor may, after consultation with the appropriate state agencies and the affected community, approve state expenditures or financial assistance available within the coastal barrier resources system for assistance for emergency actions essential to the saving of lives, the protection of property and the public health and safety.

[1985, c. 794, Pt. A, §11 (NEW) .]

SECTION HISTORY

1985, c. 794, §A11 (NEW).

§1904. MAINE COASTAL BARRIER SYSTEM

The Maine Coastal Barrier System shall include the following coastal barriers: [1985, c. 794, Pt. A, §11 (NEW).]

1. Carrying Place Cove. Carrying Place Cove; Town: Harrington;

[1985, c. 794, Pt. A, §11 (NEW) .]

2. Birch Point. Birch Point; Town: Perry;

[1985, c. 794, Pt. A, §11 (NEW) .]

3. Lubec Barriers. Lubec Barriers; Town: Lubec;

[1985, c. 794, Pt. A, §11 (NEW) .]

4. Baileys Mistake. Baileys Mistake; Town: Lubec and Trescott;

[1985, c. 794, Pt. A, §11 (NEW) .]

5. Grassy Point. Grassy Point; Town: Cutler;

[1985, c. 794, Pt. A, §11 (NEW) .]

6. Seal Cove. Seal Cove; Town: Cutler;

[1985, c. 794, Pt. A, §11 (NEW) .]

7. Sprague Neck. Sprague Neck; Town: Cutler;

[1985, c. 794, Pt. A, §11 (NEW) .]

8. Jasper. Jasper; Town: Machiasport;

[1985, c. 794, Pt. A, §11 (NEW) .]

9. Starboard. Starboard; Town: Machiasport;

[1985, c. 794, Pt. A, §11 (NEW) .]

10. Bare Cove. Bare Cove; Town: Roque Bluffs;

[1985, c. 794, Pt. A, §11 (NEW) .]

11. Roque Bluffs. Roque Bluffs; Town: Roque Bluffs;

[1985, c. 794, Pt. A, §11 (NEW) .]

12. Popplestone/Roque Island. Popplestone/Roque Island; Town: Jonesport;

[1985, c. 794, Pt. A, §11 (NEW) .]

13. Flake Point. Flake Point; Town: Steuben;

[1985, c. 794, Pt. A, §11 (NEW) .]

14. Over Point. Over Point; Town: Steuben;

[1985, c. 794, Pt. A, §11 (NEW) .]

15. Pond Island. Pond Island; Town: Deer Isle;

[1985, c. 794, Pt. A, §11 (NEW) .]

16. Thrumcap. Thrumcap; Town: Cranberry Isles;

[1985, c. 794, Pt. A, §11 (NEW) .]

17. Seven Hundred Acre Island. Seven Hundred Acre Island; Town: Isleboro;

[1985, c. 794, Pt. A, §11 (NEW) .]

18. Nash Point. Nash Point; Town: Owls Head;

[1985, c. 794, Pt. A, §11 (NEW) .]

19. Little River. Little River; Town: Georgetown;

[1985, c. 794, Pt. A, §11 (NEW) .]

20. Hunnewell Beach. Hunnewell Beach; Town: Phippsburg;

[1985, c. 794, Pt. A, §11 (NEW) .]

21. Small Point Beach. Small Point Beach; Town: Phippsburg;

[1985, c. 794, Pt. A, §11 (NEW) .]

22. Head Beach. Head Beach; Town: Phippsburg;

[1985, c. 794, Pt. A, §11 (NEW) .]

23. Stover Point. Stover Point; Town: Harpswell;

[1985, c. 794, Pt. A, §11 (NEW) .]

24. Jenks Landing/Waldo Point. Jenks Landing/Waldo Point; Town: Cumberland;

[1985, c. 794, Pt. A, §11 (NEW) .]

25. Cape Elizabeth. Cape Elizabeth; Town: Cape Elizabeth;

[1985, c. 794, Pt. A, §11 (NEW) .]

26. Crescent Beach. Crescent Beach; Town: Cape Elizabeth;

[1985, c. 794, Pt. A, §11 (NEW) .]

27. Scarborough Beach. Scarborough Beach; Town: Scarborough;

[1985, c. 794, Pt. A, §11 (NEW) .]

28. Etherington Pond. Etherington Pond; Town: Biddeford;

[1985, c. 794, Pt. A, §11 (NEW) .]

29. Crescent Surf. Crescent Surf; Town: Kennebunk;

[1985, c. 794, Pt. A, §11 (NEW) .]

30. Ogunquit Beach. Ogunquit Beach; Town: Ogunquit;

[1985, c. 794, Pt. A, §11 (NEW) .]

31. Phillips Cove. Phillips Cove; Town: York; and

[1985, c. 794, Pt. A, §11 (NEW) .]

32. Sea Point. Sea Point; Town: Kittery.

[1985, c. 794, Pt. A, §11 (NEW) .]

SECTION HISTORY

1985, c. 794, §A11 (NEW).

§1905. MAINE COASTAL BARRIER RESOURCES SYSTEM MAPS

1. Maps; coastal barriers identified. Maine's coastal barriers are identified on maps, available for public review, at the Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey office in Augusta. They are referred to as the Maine Coastal Barrier Resources Systems and are numbered consistent with the United States Coastal Barriers Resource Act.

[2013, c. 405, Pt. C, §24 (AMD) .]

2. Maps filed in county registry of deeds. As soon as practicable after the enactment of this chapter, the maps referred to in subsection 1, shall be filed, in the appropriate county registry of deeds.

[1985, c. 794, Pt. A, §11 (NEW) .]

3. Copies of maps provided to agencies. As soon as practicable after the date of enactment of this chapter, the Commissioner of Conservation shall provide copies of the maps, referred to in subsection 1, and a summary of this legislation to:

A. The chief elected official of each community in which a system is located; [1985, c. 794, Pt. A, §11 (NEW).]

B. All state agencies responsible for planning and managing coastal resources; [1985, c. 794, Pt. A, §11 (NEW).]

C. State agencies responsible for administering state funding programs affected by the prohibitions of this chapter; and [1985, c. 794, Pt. A, §11 (NEW).]

D. Coastal regional planning agencies. [1985, c. 794, Pt. A, §11 (NEW).]

[1985, c. 794, Pt. A, §11 (NEW) .]

SECTION HISTORY

1985, c. 794, §A11 (NEW). 1995, c. 502, §E32 (AMD). 1999, c. 556, §40 (AMD). 2011, c. 655, Pt. KK, §31 (AMD). 2011, c. 655, Pt. KK, §34 (AFF). 2013, c. 405, Pt. C, §24 (AMD).

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