

**CHAPTER 431****MAINE SHORELINE PUBLIC ACCESS PROTECTION PROGRAM****§5201. Findings and declaration of policy**

The Legislature finds and declares that public access to the Maine coast is of great importance to people of the State who make their living in the marine and maritime industries and to those who enjoy the natural beauty of our coastal shorelines; that the State of Maine and coastal municipalities own less than 3% of Maine's shoreline, the lowest percentage of publicly owned shoreline of any coastal state in the United States; that the Maine coast is experiencing intense development pressure that is further limiting public access to the shore; and that the rising costs of coastal shorefront property, together with the diminishing opportunities for access to coastal shoreline, require the establishment of a state program to encourage and support the acquisition of shoreland areas for public uses. [PL 1985, c. 794, Pt. B (NEW).]

**SECTION HISTORY**

PL 1985, c. 794, §B (NEW).

**§5202. Maine Shoreline Public Access Protection Fund**

**1. Fund established.** To accomplish the purposes of this chapter, there is established a nonlapsing Maine Shoreline Public Access Protection Fund, referred to in this chapter as the "fund." All income received by the Department of Agriculture, Conservation and Forestry for the purposes of this chapter shall be recorded on the books of the State in a separate account and shall be deposited with the Treasurer of State to be credited to the fund. These funds shall be made available to the commissioner for the purpose of implementing the Maine Shoreline Public Access Protection Program, established under section 5203.

[PL 1987, c. 402, Pt. A, §94 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

**2. Expenditure of funds.** All money credited to the fund shall be used to preserve and protect public access to coastal shoreland areas in accordance with the guidelines established by the commissioner pursuant to section 5203. As provided in section 5203, not less than 50% of all revenue available from the fund shall be dispersed to municipalities located in the coastal area, as defined in Title 38, section 1802. No more than 10% of the revenues available in the fund may be used for the development of acquired access areas.

[PL 1987, c. 402, Pt. A, §94 (AMD).]

**SECTION HISTORY**

PL 1985, c. 794, §B (NEW). PL 1987, c. 402, §A94 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

**§5203. Program guidelines**

**1. Program established.** There is established, within the Department of Agriculture, Conservation and Forestry, the Maine Shoreline Public Access Protection Program, referred to in this chapter as the "program" for the purposes of encouraging and supporting the acquisition and development of shoreland areas by the State Government and local governments. Any acquisition or development of shoreland areas supported by this program shall be undertaken solely to enhance, preserve or protect public access to coastal shoreland areas. The commissioner shall establish, amend or repeal rules of the department necessary to accomplish the purposes of this chapter.

[PL 1987, c. 402, Pt. A, §95 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

**2. Program guidelines.** To accomplish the purposes of this chapter, the commissioner shall establish guidelines for the appropriate expenditure of money available in the fund. In establishing these guidelines, the commissioner shall consider, among other things:

- A. Access to shoreline for shellfish and marine worm harvesters and for other economic purposes; [PL 1985, c. 794, Pt. B (NEW).]
- B. Public access to shoreline for scenic and recreational purposes; [PL 1985, c. 794, Pt. B (NEW).]
- C. The purchase of easements and property development rights; [PL 1985, c. 794, Pt. B (NEW).]
- D. The establishment and limited development of public access ways and areas; and [PL 1985, c. 794, Pt. B (NEW).]
- E. The ability of a municipality or state agency to manage shoreline access in a manner that is consistent with the natural carrying capacity of the area accessed and to provide adequate essential public services. [PL 1985, c. 794, Pt. B (NEW).]  
[PL 1985, c. 794, Pt. B (NEW).]

**3. Coastal municipality participation.** Notwithstanding any guidelines established pursuant to this chapter, at least 50% of all revenue available from the fund shall be dispensed to municipalities located in the coastal area, as defined in Title 38, section 1802, for the acquisition or development of shoreline access areas. The amount granted to such a municipality pursuant to this section shall not exceed 50% of the total cost of the acquisition or development project.  
[PL 1985, c. 794, Pt. B (NEW).]

**4. Public access.** All projects financed through this program shall be made equally open for use by all Maine citizens.  
[PL 1985, c. 794, Pt. B (NEW).]

#### SECTION HISTORY

PL 1985, c. 794, Pt. B (NEW). PL 1987, c. 402, Pt. A, §95 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

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