

§131. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2005, c. 574, §1 (NEW).]

1. Commercial fisheries businesses. "Commercial fisheries businesses" means any enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial fisheries businesses" includes without limitation:

A. Licensed commercial fishermen, aquaculturists and fishermen's cooperatives; [PL 2005, c. 574, §1 (NEW).]

B. Persons providing direct services to commercial fishermen and aquaculturists or fishermen's cooperatives, as long as provision of these direct services requires the use of working waterfront real estate; and [PL 2005, c. 574, §1 (NEW).]

C. Municipal and private piers and wharves operated to provide waterfront access to commercial fishermen, aquaculturists or fishermen's cooperatives. [PL 2005, c. 574, §1 (NEW).]

[PL 2005, c. 574, §1 (NEW).]

2. Qualified holder. "Qualified holder" or "holder" means:

A. A governmental entity authorized to hold an interest in real property; [PL 2023, c. 70, §1 (NEW).]

B. A nonprofit organization organized under state law whose purposes include the permanent protection of working waterfront or the enlargement of working waterfront opportunities for commercial fisheries businesses; or [PL 2023, c. 70, §1 (NEW).]

C. A nonprofit organization organized under state law whose purposes or powers include retaining or protecting coastal community values, culture or heritage, coastal habitat or real property that provides coastal water access. [PL 2023, c. 70, §1 (NEW).]

[PL 2023, c. 70, §1 (RPR).]

3. Third-party right of enforcement. "Third-party right of enforcement" means a right provided in a working waterfront covenant to enforce any of its terms granted by the grantor and holder of the covenant to a governmental body or nonprofit corporation that meets the qualifications of a holder.

[PL 2005, c. 574, §1 (NEW).]

4. Working waterfront covenant. "Working waterfront covenant" means an agreement in recordable form between the owner of working waterfront real estate and one or more qualified holders that permits a qualified holder to control, either directly or indirectly, the use, ownership and sales price of working waterfront real estate for the primary purpose of making and preserving the permanent availability and affordability of that real estate for commercial fisheries businesses. A working waterfront covenant may include a 3rd-party right of enforcement.

[PL 2005, c. 574, §1 (NEW).]

5. Working waterfront real estate. "Working waterfront real estate" or "real estate" means land, legally filled lands, piers, wharves and other improvements to lands all adjacent to the navigable coastal waters of the State.

[PL 2005, c. 574, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 574, §1 (NEW). PL 2023, c. 70, §1 (AMD).

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