

**§132. Creation; conveyance; acceptance; duration; filing**

**1. Working waterfront covenant.** Except as otherwise provided in this chapter, a working waterfront covenant may be created, conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected in the same manner as other real estate covenants created by written instrument.

[PL 2005, c. 574, §1 (NEW).]

**2. Right or duty.** A right or duty in favor of or against a qualified holder may not arise under a working waterfront covenant unless it is accepted in writing by the qualified holder.

[PL 2005, c. 574, §1 (NEW).]

**3. Limitation.** Except as provided in this chapter, a working waterfront covenant is unlimited in duration unless a change of circumstances renders the working waterfront covenant no longer in the public interest as determined in an action under section 133, subsection 2.

[PL 2005, c. 574, §1 (NEW).]

**4. Filing.** A working waterfront covenant must be recorded in the County Registry of Deeds, and a copy of the covenant must be filed with the Department of Agriculture, Conservation and Forestry together with a map showing with specificity the location of the affected real estate on the form or forms that the department requires.

[PL 2011, c. 655, Pt. II, §6 (AMD); PL 2011, c. 655, Pt. II, §11 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

**5. Other interest.** An interest in real property in existence at the time a working waterfront covenant is created is not affected by the covenant unless the owner of the interest is a party to the covenant or consents to the covenant.

[PL 2005, c. 574, §1 (NEW).]

**6. Right to enter land.** The instrument creating a working waterfront covenant must provide for the right by the qualified holder to enter the real property to ensure compliance.

[PL 2005, c. 574, §1 (NEW).]

**SECTION HISTORY**

PL 2005, c. 574, §1 (NEW). PL 2011, c. 655, Pt. II, §6 (AMD). PL 2011, c. 655, Pt. II, §11 (AFF). PL 2011, c. 657, Pt. W, §5 (REV).

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