

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Public Law
123rd Legislature
Second Regular Session

Chapter 540
H.P. 1407 - L.D. 2023

An Act To Repeal the Cap on Rental Rates for State Submerged Lands

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §1862, sub-§2, ¶E, as amended by PL 2005, c. 134, §3, is further amended to read:

E. Beginning January 1, 1997, the maximum rent to which any lease is subject may not exceed \$1,200 per year. The \$1,200 limit does not apply to a large-scale project. The director shall establish through rulemaking criteria for determining a project's designation as a large-scale project and criteria for establishing rents for large-scale projects. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. This paragraph is repealed June 30, 2009.

Sec. 2. Director of the Bureau of Parks and Lands to convene a working group to assist in the development of a fair and equitable rent structure for leasing submerged lands. The Director of the Bureau of Parks and Lands within the Department of Conservation shall convene a working group to advise and assist the Department of Conservation, Bureau of Parks and Lands in developing a rent structure for leasing submerged land that is fair and equitable. The working group may recommend a phase-in period to ease the transition into the new rent structure.

Based on the draft rent schedule developed and circulated by the bureau in 2007 and early 2008, the director shall invite representatives of the following groups of lessees to participate in the working group:

1. Two whose leases exceed \$10,000 annually;
2. Two whose leases are between \$3,000 and \$9,999; and
3. Two whose leases are between \$1,200 and \$2,999.

In addition, the director shall also seek participation from members of the Submerged Lands Advisory Board, representatives of marine trade groups and at least 2 members from the general public. Assistance to the working group must be provided within existing resources of the bureau.

Sec. 3. Report to the Joint Standing Committee on Agriculture, Conservation and Forestry. No later than October 22, 2008, the Director of the Bureau of Parks and Lands within the Department of Conservation shall provide the Joint Standing Committee on Agriculture, Conservation

and Forestry with a copy of the rent schedule developed pursuant to section 2, including a summary of the working group's meetings, the rationale for various rent categories and a timeline for phasing in the new lease rates.

Effective June 30, 2008