

§573. Public trust rights in intertidal land

1. Public trust rights. The public trust rights in intertidal land include the following:

- A. The right to use intertidal land for fishing, fowling and navigation; [PL 1985, c. 782 (NEW).]
- B. The right to use intertidal land for recreation; and [PL 1985, c. 782 (NEW).]
- C. Any other trust rights to use intertidal land recognized by the Maine common law and not specifically abrogated by statute. [PL 1985, c. 782 (NEW).]

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2. Limitations. The rights described in subsection 1 do not include:

- A. The removal from the intertidal land of any sand, soil, rocks or other minerals; [PL 1985, c. 782 (NEW).]
- B. Interference with any structure, development or improvement erected or maintained on intertidal land in accordance with the laws of this State; [PL 1985, c. 782 (NEW).]
- C. The depositing of any refuse or waste on intertidal land or in the water covering intertidal land; or [PL 1985, c. 782 (NEW).]
- D. Use or operation of motorized vehicles other than navigable watercraft, unless specifically authorized by state law or municipal ordinance. [PL 1985, c. 782 (NEW).]

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3. Police powers. Municipalities shall have jurisdiction to exercise their police powers to control public use of intertidal land, except where such exercise is superseded by any state law.

[PL 1985, c. 782 (NEW).]

4. Other public rights. This chapter does not affect public rights in intertidal land arising from custom, prescription, implied dedication, acquiescence or any other source. This chapter does not affect public rights in dry sand areas upland from intertidal land arising from custom, prescription, implied dedication, acquiescence, the public trust doctrine or any other source.

[PL 1985, c. 782 (NEW).]

SECTION HISTORY

PL 1985, c. 782 (NEW).

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