

**TOWN OF BOWDOINHAM
HARBOR AND WATERFRONT RULES AND REGULATIONS**

SECTION I: PURPOSE

The Municipal Officers are empowered to regulate harbors and the operation of vessels pursuant to Title 38 M.R.S.A. Section 1 through 329. Section 2 specifically allows for the Municipal Officers to adopt and enforce additional rules and regulations to further regulate a harbor. The purpose of these regulations is to provide for the just and orderly operation of marine activities along the harbor and waterfront of the Town of Bowdoinham.

SECTION II: HARBOR MASTER

The Board of Selectmen shall appoint the Harbor Master annually. Certain responsibilities of this office and prescribed by Title 38 M.R.S.A. The Harbor Master has the additional duty to administer these regulations with the authority granted by state law and shall notify proper authorities of any violations of state law.

The Harbor Master shall not possess or carry a firearm of any sort while in performance of the duties prescribed herein. The Harbor Master has no authority from the Town of Bowdoinham to perform any police function, including, but not limited to, enforcing criminal laws of the State of Maine, and the Harbor Master shall not do so on behalf of the Town of Bowdoinham.

The Harbor Master shall enforce all HARBOR AND WATERFRONT RULES AND REGULATIONS OF THE TOWN OF BOWDOINHAM and perform all duties set forth in the Town of Bowdoinham Harbor Master Job Description.

SECTION III: HARBOR AND SHOREFRONT LIMITS

A. **Inner Harbor.** The harbor and shorefront limits controlled by the Inner Harbor Rules and Regulations are those of water lying between the mainland of Bowdoinham on the Cathance River from the bridge on Route 24 over the river to the headway speed buoy east of the bridge and west of the bridge upstream to include the former Sagadahoc Mill water frontage to its most westerly boundary. Also applicable is the land area adjacent to the harbor owned by the Town of Bowdoinham bordered by the Cathance River, the railroad tracks, and Route 24.

B. **Outer Harbor.** The harbor and shorefront limits controlled by the Outer Harbor Rules and Regulations are those of all tidal shorefronts and waters outside of the inner harbor that lie within the Town of Bowdoinham.

SECTION IV: HARBOR AND WATERFRONT RULES AND REGULATIONS

A. **Vessel Operation.** All vessels within the waters of Bowdoinham shall be operated in a reasonable manner so as not to endanger persons or property.

B. **Applications.** A copy of the Town of Bowdoinham HARBOR AND WATERFRONT RULES AND REGULATIONS shall be provided with each application.

1. **Applications- Inner Harbor.** The Harbor Master shall require a written application for issuance of a mooring permit. Applicants shall obtain an application form from the Town Office. The permit application shall include the name, make, description and registration number of the boat, owner information, and any additional data deemed useful or necessary. A registration fee of **\$50 for residents and \$100 for non-residents** shall be submitted with each application annually. The registration fee is intended to contribute toward the administrative costs of mooring application, assignment, inspection (lifting if necessary), and updating including clerical, legal, postage and management costs.

Resident and Non-resident boat owners with mooring permits must renew their mooring permits annually prior to May 1st. After May 1st each year, if the Harbor Master has a waiting list for moorings, all boat owners who have not renewed their mooring registration shall be contacted. The boat owner shall have 15 days to apply for renewal of the mooring permit. Failure to renew shall result in forfeiture of the mooring. Boat owners who have forfeited mooring permits may be placed on the mooring waiting list by contacting the Harbor Master.

2. **Applications- Outer Harbor.** The Harbor Master shall require a written application for issuance of a mooring permit. Applicants shall obtain an application form from the Town Office. The permit application shall include the name, make, description and registration number of the boat, owner information, and any additional data deemed useful or necessary. A registration fee of \$100 for any mooring on Merrymeeting Bay or adjacent to Brick Island and \$10 for resident shorefront owners (U.S. Army Corps of Engineers permit is required for a rental mooring) shall be submitted with each application annually. The registration fee is intended to contribute toward the administrative costs of mooring application, assignment, and updating including clerical, legal, postage, and management costs.

Resident boat owners with mooring permits must renew their mooring permits annually prior to May 1st. After May 1st each year all boat owners who have not renewed their mooring registration shall be contacted. The boat owner shall have 15 days to apply for renewal of the mooring permit. Failure to renew shall result in forfeiture of the mooring.

3. **Applications Inner and Outer Harbor.** This permit is non-transferable and is for the use of the named boat only, except on a temporary basis, at the discretion of the Harbormaster. It is illegal to rent a mooring without a federal permit.

C.1. **Moorings Inner harbor.** No moorings shall be maintained, used or established within the waters of Bowdoinham without the prior approval and issuance of a written permit from the Harbor Master. Mooring owners shall meet all the requirements set forth in these rules and regulations. Mooring location assigned shall be identified with the mooring assigned number using at least three-inch high numerals legibly marked on the marker buoy. Mooring assignments shall not be transferred. Moorings shall be occupied at least three weeks during the season for which a permit is granted.

If a mooring is not occupied for at least three weeks, the mooring shall be forfeited unless a written permission to waive the rule is granted by the Harbor Master. Any mooring owner who does not meet the three weeks rule, and does not have a waiver from the Harbor Master, shall file a new application for the next season and shall be placed on the waiting list. If mooring requests exceeds capacity. Vessels moored in the inner harbor shall not exceed 36 feet in length.

C.2. **Moorings outer harbor.** No moorings shall be maintained, used or established within the waters of Bowdoinham without the prior approval and issuance of a written permit from the Harbor Master. Mooring owners shall meet all the requirements set forth in these rules and regulations. Mooring location assigned shall be identified with the mooring assigned number using at least three-inch high numerals legibly marked on the marker buoy. Mooring assignments shall not be transferred.

D. **Chart.** The Harbor Master shall maintain a chart of the harbor and river showing all mooring location assignments.

E. **Inner Harbor Mooring Assignment.** The Harbor Master shall maintain a chronological list of all vessel owners requesting mooring assignment or reassignment to a new location, within the space available. Requests for a particular location or area of the inner harbor will be treated in accordance with the allocation requirements of 38 M.R.S.A. Section 3 and Section 7-A. Each mooring assignment is contingent on availability.

Location of mooring will be assigned by the Harbormaster. The physical placement of mooring gear into the water shall be carried out by the vessel owner at the direction of the Harbormaster. The location is subject to change at any time, at the discretion of the Harbormaster, as conditions dictate.

Boat Owners shall be responsible for arrangement of pulling their mooring once every two years for inspection. The Harbor Master shall inspect mooring and rigging. It shall be the boat owner's responsibility to ensure that mooring size and rigging is adequate for the size boat moored. The Harbor Master may make recommendations on mooring specifications, but the sole responsibility rests with the boat owner to ensure that their boat mooring and rigging is adequate for the boat moored and is responsible for his/her mooring adjustments as required.

No watercraft will be permitted on a mooring between November 1st and May 1st inclusive. Any watercraft may be removed from the water after November 1st, at the owner's expense unless prior arrangements exist with the Harbormaster for active use of this mooring.

Prior to November gear needs to be removed from the water or the mooring float short shanked to prevent it from causing damage to others during ICE OUT. If you fail to do so your mooring may be removed at your expense.

F. Outer Harbor Mooring Assignment. The Harbor Master shall maintain a list of all property owners' vessel location. Requests for a particular location or area of the outer harbor will be treated in accordance with the requirements of 38 M.R.S.A. Section 3.

G. Dock Time. Vessels are limited to two hours of docking time at the docks adjacent to the boat launch area in the harbor unless additional time is authorized by the Harbor Master for emergency repairs or other special circumstances.

SECTION V: PENALTIES

Violation of any of the provisions of these rules and regulations shall be deemed a civil violation. They are enforceable by any law enforcement officer having jurisdiction in Bowdoinham by civil action in District Court to recover a fine not to exceed the sum of \$100.00 per violation. Repeat or continuing violations shall be subject to a fine not to exceed the sum of \$100.00 per day.

If costs are incurred as a result of a vessel owner or operating failing to comply with the state laws or these rules and regulations, a civil complaint may be filed against such owner or operator in District Court and violators will be subject to paying the town's legal fees incurred in the enforcement of these rules. A fee, not to exceed \$10.00 per hour for labor and 25 cents per mile for travel shall be charged. The Harbor Master may also charge for any materials used to conduct his duties.

SECTION VI: DEFINITIONS

A. Vessel. The word 'vessel' as used herein shall include boats of all sizes powered by machinery or hand, scows, dredges, lobster, crab and shellfish cars, and watercraft of any type.

B. Commercial Vessel. A commercial vessel is a vessel from which an owner derives a substantial portion of their income.

C. Resident. A resident means any person who occupies a dwelling within the Town of Bowdoinham for more than 180 days in a calendar year.

D. Waters of Bowdoinham. The waters of Bowdoinham shall include those areas set forth in Section III of these regulations.

SECTION VII: APPEALS FROM HARBOR MASTER DECISIONS

Any and all persons aggrieved directly or indirectly by a decision, order, rule, act, or the failure to act of the Harbor Master, may appeal said decision, order, rule, act or failure to act in writing to the Bowdoinham Board of Appeals. Such appeal must be filed within 10 days of said decision, order, rule, act, or failure to act and state the reasons for the appeal. Upon hearing the appeal, the

Board of Appeals may affirm or modify or set aside the decision, order, rule, act or failure to act only if such is not supported by any facts or is clearly contrary to the intent and specific provisions of the rules and regulations.

An appeal from the decision of the Board of Appeals may be taken to Maine Superior Court by the aggrieved party or parties in accordance with Maine Rules of Civil Procedure 80B.

SECTION VIII: SEPARABILITY

If any provision or clause in these regulations or application thereof to any persons or circumstances is held invalid, such invalidity shall not offset other provisions or regulations which can be given without the invalid provision or application and to this end provisions of these regulations are declared to be separable.

Amended by the Bowdoinham Board of Selectmen on March 22, 2022.

BOWDOINHAM BOARD OF SELECTMEN:

David Engler, Chair

Mark Favreau, Vice-Chair

Peter Lewis

Debra Smith

Jeremy Cluchey