

§1132. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 466, Pt. A, §58 (NEW).]

1. Commercial aquacultural production. "Commercial aquacultural production" has the same meaning as in section 2013, subsection 1, paragraph A-1.

[PL 2009, c. 496, §11 (AMD).]

2. Commercial fishing. "Commercial fishing" means harvesting or processing, or both, of wild marine organisms with the intent of disposing of them for profit or trade in commercial channels.

[PL 2007, c. 466, Pt. A, §58 (NEW).]

3. Commercial fishing activities. "Commercial fishing activities" means commercial aquacultural production and commercial fishing. "Commercial fishing activities" does not include retail sale to the general public of marine organisms or their byproducts, or of other products or byproducts of commercial aquacultural production or commercial fishing.

[PL 2009, c. 496, §12 (AMD).]

4. Excess valuation factor. "Excess valuation factor" means a market-based influence on the determination of the just value of working waterfront land that would result in a valuation that is in excess of that land's current use value. "Excess valuation factor" includes, but is not limited to, aesthetic factors, recreational water-use factors, residential housing factors and nonresidential development factors unrelated to working waterfront uses.

[PL 2007, c. 466, Pt. A, §58 (NEW).]

5. Head of tide. "Head of tide" means the inland or upstream limit of water affected by the tide.

[PL 2007, c. 466, Pt. A, §58 (NEW).]

6. Intertidal zone. "Intertidal zone" means all land affected by the tides between the mean high-water mark and the mean low-water mark.

[PL 2007, c. 466, Pt. A, §58 (NEW).]

7. Marine organism. "Marine organism" means an animal or plant that inhabits intertidal zones or waters below head of tide.

[PL 2007, c. 466, Pt. A, §58 (NEW).]

8. Support the conduct of commercial fishing activities. "Support the conduct of commercial fishing activities" means:

A. To provide access to the water or the intertidal zone over waterfront property to persons directly engaged in commercial fishing activities; or [PL 2007, c. 466, Pt. A, §58 (NEW).]

B. To conduct commercial business activities that provide goods or services that directly support commercial fishing activities. [PL 2007, c. 466, Pt. A, §58 (NEW).]

[PL 2007, c. 466, Pt. A, §58 (NEW).]

9. Used predominantly. "Used predominantly" means used more than 90% for commercial fishing activity, allowing for limited uses for noncommercial or nonfishing activities if those activities are minor and purely incidental to a property's predominant use.

[PL 2007, c. 466, Pt. A, §58 (NEW).]

10. Used primarily. "Used primarily" means used more than 50% for commercial fishing activity.

[PL 2007, c. 466, Pt. A, §58 (NEW).]

11. Working waterfront land. "Working waterfront land" means a parcel of land, or a portion thereof, that fully or partially abuts water to the head of tide or land located in the intertidal zone that is used primarily or used predominantly to provide access to or support the conduct of commercial fishing activities. "Working waterfront land" also includes a wharf or pier used primarily or used

predominantly by persons engaged in commercial fishing activities that include berthing a boat and the location of small fishing houses for commercial fishing gear maintenance and storage. For purposes of this subchapter, a parcel is deemed to include a unit of real estate notwithstanding the fact that it is divided by a road, way, railroad or pipeline.

[PL 2023, c. 671, §1 (AMD).]

SECTION HISTORY

PL 2007, c. 466, Pt. A, §58 (NEW). PL 2009, c. 496, §§11, 12 (AMD). PL 2023, c. 671, §1 (AMD).

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