

## CHAPTER 25

## MAINE COASTAL ISLAND REGISTRY

**§1201. Legislative intent, purpose**

The Legislature finds that the ownership of many of Maine's coastal islands is uncertain. The Legislature prohibited the further sale of state-owned islands in 1913 but some of the land agent's records of prior conveyances are missing or incomplete. In addition, title to many privately-owned islands was derived from ancient charters and grants. Subsequent grantees many times did not include such islands in grants or bequests or died intestate with no record of island holdings in their estates. Because of the large number of islands and ledges in Maine's coastal waters and the legal uncertainty with respect to the ownership of many such islands, unrealistic and perhaps fruitless expenditures of time and money, far exceeding all legal requirements of due diligence, would be necessary to search all subsequent conveyances from ancient charters and grants to establish State title to these islands. Therefore, in order to clarify and establish title to islands in Maine's coastal waters, to protect the State's ownership of its island resources for public use, to establish title to land that was once granted by the State of Maine, or by grant or charter before Maine became a State and subsequently owned by a person or persons who either died intestate without heirs or with heirs who abandoned the property, the Legislature directs the creation of a Coastal Island Registry and the following procedure to establish title to island property in Maine's coastal waters. [PL 1973, c. 616, §1 (NEW).]

## SECTION HISTORY

PL 1973, c. 616, §1 (NEW).

**§1202. Definitions**

As used in this chapter the following words shall have the following meanings. [PL 1975, c. 509, §1 (RPR).]

**1. Coastal island.** "Coastal island" means a natural land formation protruding above the surface of and surrounded by Maine's coastal waters at mean high tide or any portion of such land formation. [PL 1975, c. 509, §1 (RPR).]

**2. Coastal waters.** "Coastal waters" means all waters of the State within the rise and fall of the tide and to the marine limits of the jurisdiction of the State. [PL 1975, c. 509, §1 (RPR).]

**3. Person.** "Person" shall include individuals, partnerships, corporations, municipalities and other legal entities but shall not include the State and its agencies or the Federal Government. [PL 1975, c. 509, §1 (RPR).]

**4. Residential structure.** "Residential structure" means a building used as a seasonal or year-round dwelling which was in existence on July 5, 1973. [PL 1975, c. 509, §1 (RPR).]

**5. Traceable.** "Traceable" means derived through successive transfers which were accomplished by written evidence of title or by intestate succession. No intestate succession shall be included without clear and convincing evidence supplied by the registrant showing the interest which passed into the registrant's chain of title by the succession. [PL 1975, c. 509, §1 (NEW).]

**6. True owner.** "True owner" means a person who holds title to a coastal island which is:

A. Traceable to that person from a written evidence of title which describes such island in sufficient detail to locate such coastal island on a map of the United States Coast and Geodetic Survey for Maine's coastal waters for use in 1972 and is dated prior to July 13, 1913; or [PL 1975, c. 509, §1 (NEW).]

B. By adverse possession. [PL 1975, c. 509, §1 (NEW).]  
[PL 1975, c. 509, §1 (NEW).]

**7. Written evidence of title.** "Written evidence of title" means:

A. A deed, including tax and mortgage foreclosures, filed in the appropriate county registry of deeds; [PL 1975, c. 509, §1 (NEW).]

B. A record of a Maine probate proceeding; [PL 1975, c. 509, §1 (NEW).]

C. An order of a court of competent jurisdiction; or [PL 1975, c. 509, §1 (NEW).]

D. Other authenticated writing which creates, confirms or evidences ownership of the coastal island as determined by the Director of the Bureau of Parks and Lands or the director's designate, after consultation with the Attorney General. [PL 1975, c. 509, §1 (NEW); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]  
[PL 1975, c. 509, §1 (NEW); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 1973, c. 788, §167A (AMD). PL 1975, c. 509, §1 (RPR). PL 1995, c. 502, §E30 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

#### §1203. Registry

There is herewith established and created a Coastal Island Registry which shall be an office within the Bureau of Parks and Lands which shall be organized in the manner the Director of the Bureau of Parks and Lands shall deem best suited to the accomplishment of the functions and purposes of this chapter. The Coastal Island Registry shall establish and maintain a listing and description of all coastal islands. Such description shall include the location and true owner or true owners of each coastal island. [PL 1975, c. 509, §2 (RPR); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

#### SECTION HISTORY

PL 1973, c. 460, §18 (AMD). PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §2 (RPR). PL 1995, c. 502, §E30 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

#### §1204. -- duties

The Coastal Island Registry shall devise a system to number coastal islands and assign such numbers to all coastal islands. [PL 1975, c. 509, §3 (RPR).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §3 (RPR).

#### §1205. Registration

Each true owner, or authorized representative of such true owner, shall register the true owner's coastal island with the Coastal Island Registry whether or not such coastal island has been assigned a number under section 1204. Any group of islands assigned a single number under section 1204 as of February 28, 1974, and any group of islands unnumbered as of February 28, 1974 and subsequently assigned a single number under section 1204 shall be considered a single island for the purpose of this

section. Each registration shall be filed on forms prescribed by the Coastal Island Registry which shall contain the following information: [PL 1975, c. 509, §4 (RPR).]

**1. Name and address of owner.** The name and address of the present true owner; [PL 1975, c. 509, §4 (RPR).]

**2. Legal description.** An accurate legal description of the island property, including the source of title, in sufficient detail to locate such coastal island on a map of the United States Coast and Geodetic Survey for Maine's coastal waters for use in 1972; [PL 1975, c. 509, §4 (RPR).]

**3. Area.** The island's area or acreage; [PL 1975, c. 509, §4 (RPR).]

**4. Date of acquisition.** The date acquired; [PL 1975, c. 509, §4 (RPR).]

**5. Other information.** Other information necessary for the purposes of this chapter. [PL 1975, c. 509, §4 (RPR).]

A registration fee of \$10 shall accompany each registration. After a true owner has registered a coastal island in accordance with this chapter, no heir, successor or assign of such owner need register such coastal island with the Coastal Island Registry. [PL 1975, c. 509, §4 (RPR).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §4 (RPR).

#### §1206. Filing and notice of failure to file

**1. Filing of registration.** The registration must be filed with the Coastal Island Registry on or before December 31, 1975. Any filing of a registration before January 1, 1975 with the Coastal Island Registry in accordance with the law in effect at the date of such filing shall be considered a valid filing for the purposes of section 1205 and this section. [PL 1975, c. 509, §5 (NEW).]

**2. Notice of failure to file.** Notice of failure to file registration shall be mailed to every true owner, whose identity may reasonably be ascertained, at his last known address, after December 31, 1975. [PL 1975, c. 509, §5 (NEW).]

**3. Publication of notice.** Notice shall be published setting forth all those coastal islands which remain unregistered, in the state paper and in 2 newspapers of general circulation within the State, once a week for 3 consecutive weeks in February, 1976. [PL 1975, c. 509, §5 (NEW).]

**4. Notice posted in registry of deeds.** A copy of this notice shall be posted in each registry of deeds of each county and shall be published in each coastal county in a newspaper whose principal office is located in that county once a week for 3 consecutive weeks in February, 1976. [PL 1975, c. 509, §5 (NEW).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §5 (RPR).

#### §1207. Title in State

Title to each and every coastal island that is not registered by the true owner or authorized representative of such true owner with the Coastal Island Registry on or before December 31, 1975, shall vest in the State of Maine on January 1, 1976, subject to the exceptions and conditions set forth in sections 1208 and 1210. [PL 1975, c. 509, §6 (RPR).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §6 (RPR).

### **§1208. Late registrations**

Each and every coastal island which the true owner has failed to register shall be held in the possession, custody and control of the Bureau of Parks and Lands until such time as the true owner files a registration, in the same manner as required under section 1205, with the Coastal Island Registry. [PL 1975, c. 509, §7 (RPR); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

**1. Penalty fee.** A true owner who has not registered his coastal island on or before December 31, 1975, shall pay the sum of \$50 in addition to the \$10 registration fee.

[PL 1975, c. 509, §7 (NEW).]

**2. Income.** All income derived from coastal islands which are under the possession, custody and control of the Bureau of Parks and Lands shall not be redeemable by the true owner, but shall accrue to the Bureau of Parks and Lands to be used for the management of the public lands. Notwithstanding the foregoing, in the event a Public Lands Management Fund is established, such income shall be deposited in said fund.

[PL 1975, c. 509, §7 (NEW); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §7 (RPR). PL 1995, c. 502, §E30 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

### **§1209. Review of claims to coastal islands**

The Director of the Bureau of Parks and Lands shall review each and every claim of true ownership made to a coastal island or islands under section 1205 or section 1208. An initial determination shall be made by the director after consultation with the Attorney General as to the validity of all such claims. The director shall notify in writing any person whose claim is initially determined to be not valid. [PL 1975, c. 509, §8 (RPR); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

Any person so notified shall have 30 days from the date of such notification to present evidence to substantiate his claim. The director shall make a final determination of the validity of such claim within 30 days of receipt of such evidence. If no evidence is forthcoming, the director's initial determination shall become final. [PL 1975, c. 509, §8 (RPR).]

Appeals from the final determination of the director under this section shall be taken in accordance with Rule 80C of the Maine Rules of Civil Procedure. [PL 1983, c. 480, Pt. B, §30 (AMD).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §8 (RPR). PL 1983, c. 480, §B30 (AMD). PL 1995, c. 502, §E30 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

### **§1210. Exemption**

Any coastal island that has 4 or more residential structures thereon is exempted from this chapter, provided that such property is on the tax rolls of a municipality or of the State. [PL 1975, c. 509, §9 (RPR).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 1973, c. 788, §167B (AMD). PL 1975, c. 509, §9 (RPR).

### **§1211. Requirement for notice**

**1. Publication.** The Secretary of State shall publish a notice setting forth the requirements of this chapter in a newspaper of general circulation in the State once a week for 3 consecutive weeks in December, 1973 and once a week for 3 consecutive weeks in July, 1974.  
[PL 1973, c. 616, §1 (NEW).]

**2. Posting.** A copy of this notice shall be posted in the registry of deeds of each coastal county in which islands are located. A list of all islands subject to this chapter shall be recorded in the registry of deeds for the county in which the islands are located.  
[PL 1973, c. 616, §1 (NEW).]

**3. Other publication.** A copy of this notice and a list of all islands within each coastal county in which the islands are located shall be published in a newspaper whose principal office is located in the county in which the islands are located once a week for 3 consecutive weeks in December, 1973 and once a week for 3 consecutive weeks in July, 1974. If there is no newspaper whose principal office is located in the county, the list shall be published in a newspaper of state-wide circulation.  
[PL 1973, c. 616, §1 (NEW).]

**4. Notice in tax bills.** Municipal officers in municipalities with islands on their tax rolls shall insert a copy of this notice in tax bills for the calendar year 1974.  
[PL 1973, c. 616, §1 (NEW).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW).

#### §1212. List

Municipal officers shall submit a list of islands within their jurisdiction that are being taxed by the municipality to the Coastal Island Registry on or before December 31, 1973, together with the names and addresses of all record owners of islands with 3 or less residential structures thereon. [PL 1973, c. 616, §1 (NEW).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW).

#### §1213. Water boundaries

For the purposes of this chapter, the Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources shall draw the water boundaries of the 8 coastal counties in order to determine in which registry of deeds the island must be registered. These lines must be drawn in accordance with the corporate charters of the counties as amended. In instances in which the charter does not clearly specify the seaward boundaries of the counties, the boundaries must be drawn in accordance with state law and the principles contained in the International Convention for the Contiguous and Territorial Sea in determining seaward boundaries between adjacent nation states. [PL 2013, c. 405, Pt. C, §17 (AMD).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 2011, c. 655, Pt. KK, §21 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2013, c. 405, Pt. C, §17 (AMD).

#### §1214. Recordation

**(REPEALED)**

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §10 (RP).

#### §1215. Rules and regulations

The Director of the Bureau of Parks and Lands is authorized to promulgate any rules and regulations concerning the organization of the Coastal Island Registry, the procedure by which registrations are to be presented to and reviewed by the Bureau of Parks and Lands and in any other area necessary to carry out the purpose of this chapter. [PL 1975, c. 509, §11 (RPR); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

#### SECTION HISTORY

PL 1973, c. 460, §18 (AMD). PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §11 (RPR). PL 1995, c. 502, §E30 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

#### §1216. Limitation

Nothing in this chapter shall preclude the rights of the State to title to property under Title 18, section 1001, subsection 8 or in any action brought to quiet title with respect to island property. [PL 1973, c. 616, §1 (NEW).]

#### SECTION HISTORY

PL 1973, c. 616, §1 (NEW).

#### §1217. Fees

All registration fees except those designated for registers of deeds shall be used to carry out the purposes of this chapter. The Director of the Bureau of Parks and Lands is authorized to accept funding from federal or other public or private sources to carry out the purposes of this chapter. [PL 1975, c. 509, §12 (AMD); PL 1995, c. 502, Pt. E, §30 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

#### SECTION HISTORY

PL 1973, c. 460, §18 (AMD). PL 1973, c. 616, §1 (NEW). PL 1975, c. 509, §12 (AMD). PL 1995, c. 502, §E30 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

#### §1218. Fraudulent registration

Any person who knowingly registers a coastal island, not being the true owner of that island, with the intent of fraudulently obtaining an interest in that island, or with the purpose of deceiving the State as to ownership of that island or to otherwise deceive, deprive, obtain or misrepresent ownership of that island shall be guilty of a Class D crime. [PL 1977, c. 78, §190 (AMD).]

#### SECTION HISTORY

PL 1975, c. 509, §13 (NEW). PL 1977, c. 78, §190 (AMD).

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