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## **Proposal for Maine's Coastal Program : A Brief Description**

Committee on Coastal Development and Conservation

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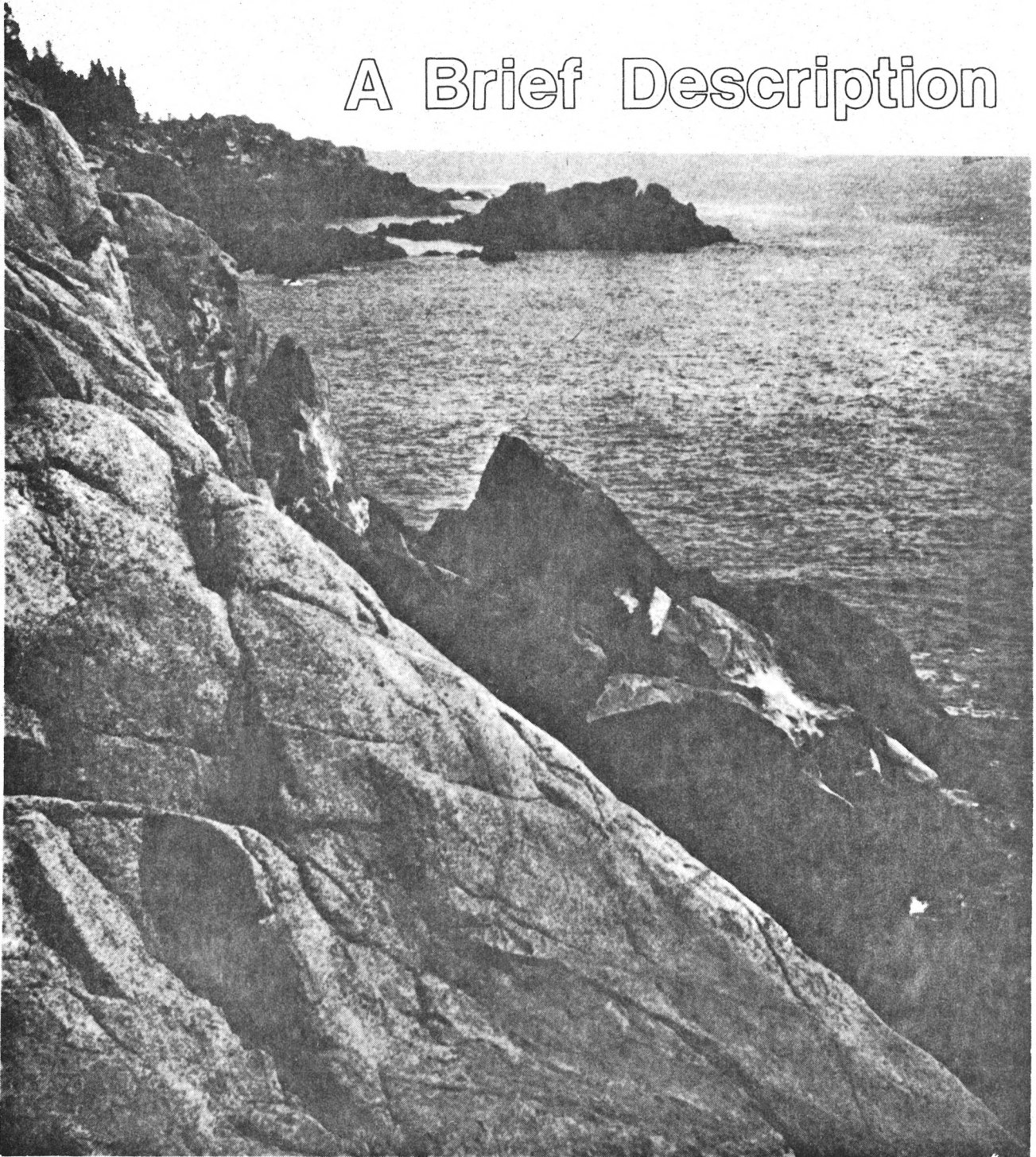
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Proposal for

# Maine's Coastal Program

A Brief Description



# MAINE'S COASTAL AREA

The map and list of coastal communities below define the extent of the coastal area to which the 306 application applies. The area includes all towns on the coast and extends seaward to the limits of the State's jurisdiction.

Northport  
Islesboro  
Brooksville

Belfast  
Seaside  
Stockton Springs  
Prospect  
Castine  
Penobscot

Frankfort  
Bucksport  
Verona  
Orland

Friendship  
Cushing  
St. George  
So. Thomaston  
Crawls Head

Warren  
Thomaston  
Rockland  
Rockport  
Camden  
Lincolnville

North Haven  
Vinalhaven  
Matinicus

Swans Island  
Long Island Pt.

Ile au Haut  
Stratton  
Deer Isle

Sedgewick  
Blue Hill  
Brooklin

Tremont  
Southwest Harbor  
Mt. Desert  
Cranberry Isles  
Trenton  
Lamoine  
Bar Harbor  
Sury  
Ellsworth  
TB SD  
Hancock  
Franklin

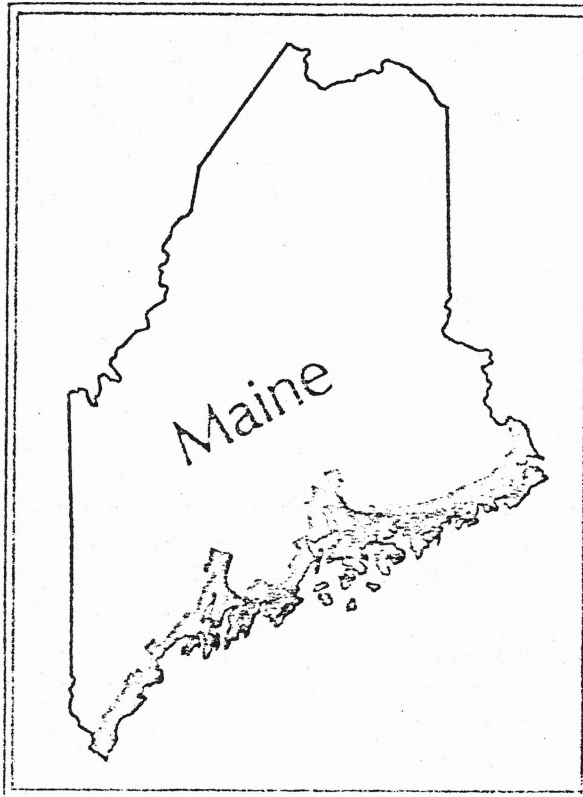
Winter Harbor  
Sorrento  
Gouldsboro  
Sullivan  
T7 SD  
T9 SD  
T10 SD

Monhegan  
South Bristol  
Bristol  
Southport  
Boothbay Harbor  
Boothbay  
Westport

Wiscasset  
Dresden  
Alna  
Newcastle  
Edgecomb

Damariscotta  
Bremen  
Nobleboro  
Waldoboro

Harpwell  
Brunswick  
West Bath  
Arrowsic  
Phippsburg  
Georgetown



Bath  
Topsham  
Bowdoinham  
Perkins Twp.  
Richmond  
Woolwich

Streben  
Cherryfield  
Millbridge  
Harrington  
Columbia

Addison  
Columbia Falls  
Beals  
Jonesport  
Roque Bluffs  
Jonesboro  
Centerville

Machiasport  
Machias  
Whitneyville  
Marshfield  
East Machias

Cutler  
Whiting  
Marion

Trascott  
Lubec  
Edmunds

Dennysville  
Pembroke  
Perry  
Eastport  
Robbinston  
Calais

Pleasant Point

Scarborough  
South Portland  
Cape Elizabeth  
Portland

Falmouth  
Cumberland  
Yarmouth  
Freeport

Kittery  
Eliot  
South Berwick  
York  
Wells

Kennebunkport  
Kennebunk  
Arundel  
Biddeford  
Saco  
Old Orchard

Winterport  
Hamden  
Orrington  
Brewer  
Bangor

Gardiner  
Fittston  
Randolph  
Farmington  
Chelsea  
Hallowell  
Augusta

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(Public Law 92-583)

Cover photograph by Glenn Hazelton

May 1978

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## INTRODUCTION

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This Brief Description of the proposal for Maine's Coastal Program is a summary of the revised program that was approved by Governor Longley in March, 1978, and forwarded to the Office of Coastal Zone Management in Washington for review.

The summary is divided into seven major sections. The first section provides background information on Maine's Coastal Program; the second describes citizen involvement in the development of the "306" Program application for federal funds; an overview of how the various parts of the program are integrated is offered in the third section; the policies of the program are explained in section four; a listing of the eleven existing state laws which serve as the core of the program comprises section five; section six includes a discussion of how the funds will be allocated to coastal towns for resource planning and management projects; and finally, section seven identifies major advantages to be realized for coastal Maine when program approval is received.

More complete information on each of the following sections can be obtained by reading the main program document which is available for review at the State Planning Office, regional planning commissions, and coastal libraries.

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### I. BACKGROUND TO MAINE'S COASTAL PROGRAM AND THE DRAFT "306" PROGRAM

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Maine first initiated its Coastal Program in 1969. The goal of the program is to achieve a balance between conservation and development in the coastal area that will satisfy the short- and long-term social, economic, and environmental needs and aspirations of the people of the State of Maine.

The Coastal Program is funded by a modest state appropriation and money made available for coastal planning under the federal Coastal Zone Management Act of 1972. The Act is administered by the U. S. Department of Commerce through the National Oceanic and Atmospheric Administration's Office of Coastal Zone Management.

An application to secure continued federal funding for Maine's Coastal Program was prepared under Section 306 of the Coastal Zone Management Act and submitted to Governor Longley in June, 1975, for approval. At that time, the Governor withdrew the 306 application because it had not been developed with sufficient input from the citizens, and town and city officials of coastal Maine.

After a period of program reassessment, Governor Longley directed the State Planning Office in February, 1976, to develop a second 306 Program that more accurately reflects the needs and concerns expressed by coastal residents. Also in February, 1976, the Governor established the Committee on Coastal Development and Conservation (CCDC) to advise him on coastal issues and to act to ensure opportunity for meaningful public participation. The Committee is composed of coastal residents, coastal legislators, and the commissioners of selected state agencies, with staff functions provided by the State Planning Office.



The program was reoriented, a 306 proposal prepared, and finally reviewed in a series of six public hearings along the coast in November, 1977. As a result of public comment received during these hearings, a revised 306 proposal was submitted to the Governor in March, 1978, formally approved by him, and is currently undergoing environmental impact assessment at the federal level.

If the program and application for funds are approved federally, the State of Maine expects to receive up to 1.5 million dollars on an annual basis.

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## II. CITIZEN INVOLVEMENT IN DEVELOPING MAINE'S DRAFT "306" PROGRAM

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In charting a direction for the 306 Program, the CCDC and the State Planning Office have sought considerable citizen and agency input. Through advisory groups, surveys of town needs, questionnaires submitted to the general public, numerous local meetings, public hearings, articles in the local press, written responses from the public, and a public information service provided by the State Planning Office, the public has made its views known.

The consensus of opinion of those coastal residents contacted is that:

- \*\*\* Maine's existing laws should be used to meet Federal Coastal Zone Management Act requirements;
- \*\*\* The majority of federal funds should be allocated for local projects that encourage improved resource planning and management;
- \*\*\* Issues of more than local concern, such as port development, heavy industry, and commercial fishing, should be addressed from a broad perspective.

Maine's Coastal Program proposal, therefore, focuses on the above three points. The table below summarizes the main stages in the development of the program. Sections three through six on the following pages describe the program in more detail.

## MAJOR STAGES IN DEVELOPMENT OF MAINE'S PROGRAM APPLICATION

- Feb., 1976 GOVERNOR'S ADVISORY COMMITTEE ON COASTAL DEVELOPMENT AND CONSERVATION ESTABLISHED
- Aug., 1976 MAINE AND FEDERAL AGENCIES DISCUSS THE NEW DIRECTION OF MAINE'S COASTAL PROGRAM  
Members of the State Planning Office met with contact people from Federal agencies to discuss the progress of Maine's program.
- Aug., 1976 COASTAL MUNICIPAL OFFICIALS SPEAK OUT IN "TOWN LAND USE AND MANAGEMENT"  
This survey showed that 90% of the respondents wished to participate in the Coastal Program, and wished to submit projects for funding.
- Oct., 1976 through Feb., 1977 DIRECTION FOR THE PROJECT SOUGHT IN 25 COASTAL MEETINGS  
These meetings were attended by coastal citizens, local and regional government officials, and conservation and development interests. Public opinion at these meetings provided direction for the program.
- March, 1977 PREVIEW OF THE 306 APPLICATION MAILED TO INTERESTED AGENCIES AND INDIVIDUALS FOR REVIEW  
The Preview described the direction proposed for the Coastal Program. 1,900 copies of the Preview (complete with comment requests) were mailed out to interested individuals, agencies, and businesses.
- March, 1977 PUBLIC REVIEWS THE "PREVIEW" OF THE 306 APPLICATION AT 13 MEETINGS  
The response to the program presented at these meetings was generally very positive. Questions were raised over the mechanics of administering the program.
- April, 1977 PREVIEW OF THE 306 APPLICATION DISCUSSED WITH FEDERAL AGENCIES  
State Planning Office representatives discussed the preview of the 306 application with interested Federal agencies.
- June, 1977 ROUGH DRAFT OF 306 APPLICATION REVIEWED  
The Committee on Coastal Development and Conservation, Office of Coastal Zone Management, reviewed a rough draft of the Application and submitted comments.
- July, 1977 COMMITTEE ON COASTAL DEVELOPMENT & CONSERVATION APPROVES DRAFT 306 APPLICATION FOR PUBLIC REVIEW  
The revised draft was approved for public review and comment on July 27, 1977.
- Nov., 1977 SIX PUBLIC HEARINGS HELD ON OCTOBER DRAFT  
Well publicized hearings attended by a total of 227 people, mostly local officials as well as organization representatives.
- Dec., 1977 - March, 1978 PROGRAM REVISED TO REFLECT INPUT FROM PUBLIC AND FEDERAL AGENCIES  
Draft Environmental Impact Statement prepared.

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### III. AN OVERVIEW OF MAINE'S COASTAL PROGRAM - HOW THE VARIOUS PARTS FIT TOGETHER

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To deal adequately with the complexities of improving resource management on the coast, Maine's Coastal Program must necessarily consist of several parts. This section attempts to outline what the parts are and how they fit together to form an integrated whole.

The goal, as defined below, describes in general terms what the program is to accomplish.

"The goal of Maine's Coastal Program is to achieve a balance between conservation and development in the coastal area that will satisfy short- and long-term social, economic, and environmental needs and aspirations of the people of the State of Maine."

The goal sets the direction. The program proposal consists of three major elements: policies, the core laws, and funding.

First, the policies (described in Section IV) guide the program. They are two types: one set is drawn from existing laws and demonstrates how Maine meets the federal requirements through policy already adopted by the legislature; the second set relates to the funding and administration of Maine's Coastal Program.

Second, the core laws (listed in Section V) are eleven existing laws which enable Maine to meet the federal requirements for controlling certain activities and protecting environmentally sensitive areas. Unlike other states, Maine's situation is unique in that the state, responding to the same pressures that caused the passage of the Coastal Zone Management Act of 1972, passed its own legislation before Congress acted.

The funding component (see Section VI) is the point of strength for the program. The funds translate the goals and policies into action by supporting a wide variety of projects at all levels of government, with a special emphasis on local resource planning and management projects. This focus is based on what a majority of coastal residents have said they want.

The action projects include: improving state and local administration of existing laws, economic development planning, conservation planning, and developing recommendations for refinements in state policy. While the other elements of the program provide guidance and show how federal requirements are met, the activities have an impact on the environment and people of Maine.

A common thread for all parts of the program is citizen participation. Citizen involvement has played a key role in determining the direction of the program over the last two and a half years. During that time, the public has indicated continued support and approval of the program's goal and major elements - the policies, laws, and funding.

The program elements are more fully discussed in the next three sections.

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## IV. THE POLICIES OF MAINE'S 306 PROGRAM

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Maine's 306 Program contains two types of policies:

The first set of policies is drawn from existing state laws; the policies help Maine satisfy Federal Coastal Zone Management Act requirements by showing that the state has laws to guide development and conserve the environment, and serve to define the priorities the state has defined for the coast through legislation.

The second set of policies relates to how Maine will carry out its 306 Program; the policies specify how funds will be allocated and establish administrative procedures for the Program. The table below summarizes some of the more important policies.

### 1. POLICIES BASED ON EXISTING LAWS

The following representative policy statements are drawn from the 11 "core" laws of Maine's Program.

- Assure that development in shoreland areas is conducted so that healthful conditions and water quality is maintained, wildlife habitat is conserved and structures are placed so as to conserve shore cover, water access, and points of natural beauty.
- Encourage new development in the unorganized areas of the coast to locate in, or adjacent to, suitable existing developed areas.
- Assure that the subdivision of land is conducted in such a way that air and water quality is maintained, soils remain stable, safe highway conditions prevail, and scenic values and areas of natural beauty are conserved.
- Assure that the quality of the natural environment is maintained by requiring a permit for large-scale developments; thereby assure safe traffic conditions, the maintenance of natural environmental qualities, and siting that takes soil capabilities into account.
- Assure that activities in coastal wetlands conserve wildlife, and freshwater, estuarine or marine fisheries and their habitats, through a permit procedure.

### 2. FUNDING AND ADMINISTRATIVE POLICIES

The following are the major policy statements that will guide funding and administrative decisions. (For an explanation of how these policies are implemented, see Section V on Page 6)

- Make the majority of Program funds available to coastal towns for projects that further the Program goal.
- Develop recommendations for more refined policies on issues of broad concern to the coastal region, the State, and the nation, and make them available to the public, the Governor, and the Legislature for their consideration as possible state policies.
- Provide ongoing opportunity for meaningful public and governmental participation in shaping the direction of the Program.
- Maintain the Governor's Advisory Committee on Coastal Development and Conservation as a broadly representative group, to act as the ongoing policy-making body for the Program.
- Designate the State Planning Office as the agency to administer the Program.



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## V. ELEVEN EXISTING LAWS - THE CORE OF MAINE'S 306 PROGRAM

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To be eligible for funding under Section 306 of the Coastal Zone Management Act, states must present a program that adopts sound development planning principles and avoids adverse environmental impacts. Maine's program achieves this with existing land and water use laws. The laws provide the means of controlling development through permit and zoning procedures, and conserving natural resources in need of protection. Maine's Coastal Program proposal identifies the following eleven laws that form the basis of a strong regulatory system and qualify the State for future 306 funding:

Protection of Waters Act (38 M.R.S.A. §§ 361-A-454)

Coastal Wetlands Act (38 M.R.S.A. §§ 471-478)

Shoreland Zoning Act (12 M.R.S.A. §§ 4811-4814)

The Land Use Regulation Commission (12 M.R.S.A. 681-689)

Municipal Subdivision Law (30 M.R.S.A. §§ 4956)

The Site Location Act (38 M.R.S.A. §§ 481-489)

Protection and Improvement of Air Act (38 M.R.S.A. §§ 582-608)

Solid Waste Management Act (38 M.R.S.A. §§ 1301-1308)

Stream Alteration Act (12 M.R.S.A. §§ 2206-2212)

Oil Discharge Prevention and Pollution Control Act (38 M.R.S.A. §§ 344-349;  
541-557, 560)

Marine Resources Law (12 M.R.S.A. §§ 3504-5).

The following diagram explains how these eleven core laws relate to four different areas of the coast.

# HOW THE 11 EXISTING LAWS RELATE TO DIFFERENT TIERS WITHIN MAINE'S COASTAL AREA

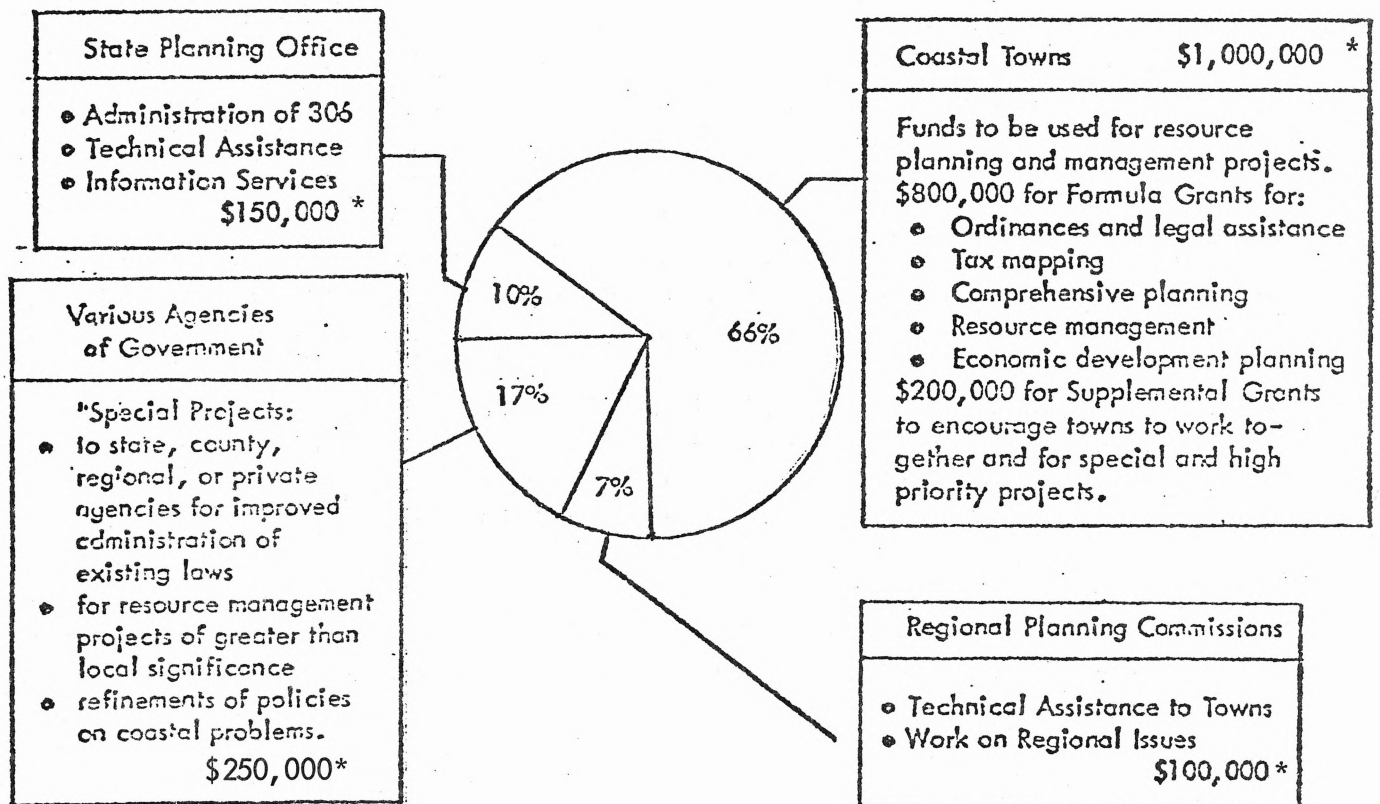
The diagram shows which areas of the coast are regulated by the 11 existing laws referred to previously. The seaward limit of the area (and of Tier 1), is the extent of the State's jurisdiction; the inland boundary (and the upland limit Tier 4), is the town line of those towns in the coastal area. (Refer to inside cover for map and list of coastal towns.)

TIER 1	TIER 2	TIER 3	TIER 4
Tidal & Fresh Water (to limit of State jurisdiction) Sub-tidal Lands	Inter-tidal Water and Lands	250' Inland from High Water	From upland edge of 250' line to inland border of Coastal Towns
EXISTING LAND & WATER USE LAWS			
Protection of Waters		Solid Waste Management	
Coastal Wetlands		Stream Alteration (applies only to the beds and banks of rivers and streams)	
Marine Resources		Shoreland Zoning	
Land Use Regulation Commission (L.U.R.C.) (only applies in unorganized townships and plantations)			
		Subdivision of Land	
Site Location of Development, Protection of Air, and Oil Discharge Prevention			
TIER 1	TIER 2	TIER 3	TIER 4

VI. HOW 306 FUNDS WILL BE USED

If Maine's Coastal Program is funded, the monies will be used for: grants to towns; technical assistance programs and high priority projects at the regional, county, or state levels; developing recommendations for policies on issues of broad concern; and for the coordination and administration of the overall program. The basic intent is to fund projects that will make resource planning and management mechanisms work more effectively to achieve the program's goal and policies.

Maine expects to apply for \$1.5 million\* for first-year funding of its Coastal Program. Similar grants are expected to be available on an annual basis thereafter for as long as Congress provides funding. The diagram below shows how funds will be allocated.



Under this procedure decisions concerning funding priorities and standards for acceptable projects will rest with the Committee on Coastal Development and Conservation. The State Planning Office will administer the funds and let contracts.

Participating coastal towns will be assured Formula Grants, with no matching funds required, provided the proposed projects meet established guidelines. Generally, projects must involve planning for and/or the management of coastal resources in accordance with the principles established in the policies for this program.

\*When the program was first proposed, Maine assumed it would be eligible for \$1.5 million. However, we will not know for certain how much money Maine will receive until our financial application is approved.

- A. FORMULA GRANTS will be assured for those coastal towns choosing to apply for assistance provided that the funds are utilized on projects meeting eligibility criteria. (A complete list of the criteria is offered below.) No matching funds are required. Generally, projects must involve planning for and/or the management of coastal resources and be technically sound. Some examples of eligible projects include: port or harbor planning, open space and/or wildlife habitat conservation, streamlining permit procedures, preparation of maps and comprehensive plans. The "formula" is based on considerations of town area and population; if Maine receives the \$1.5 million in federal funds, most towns would be eligible for between \$7,000 and \$13,000 (if 100 towns were to apply); but some larger towns may be eligible for approximately \$20,000.

#### ELIGIBILITY CRITERIA

Projects will be considered eligible if:

1. They will further the goals and policies of Maine's Coastal Program.
2. They directly concern the planning for and management of coastal natural resources.
3. They are supported and signed by the top elected officials of the towns applying.
4. They maintain or improve environmental quality.
5. They maintain or improve social conditions.
6. They serve a "public" purpose.
7. They are consistent with the town's comprehensive plan and/or any other long-range plans for the town (if any).
8. They are consistent with state law.
9. They are consistent with any town ordinances.
10. They are technically sound, are based on valid assumptions, and use effective methods to accomplish their objectives.
11. They make effective use of the relevant information that is available, and, when applicable, utilize standard codes, terminology, and reference systems (e.g., State Land Cover Code, Maine Soil Suitability Guide, etc.).
12. They will be completed within the grant period (grant periods run for one year).



### EXAMPLE: HOW THE FORMULA GRANT WORKS

Assume 100 towns apply for formula grants and \$800,000 (or 80% of the total amount available) is to be divided among them:

$$\frac{1}{N} \$500,000 + \frac{a}{A} \$100,000 + \frac{p}{P} \$100,000 + \frac{s}{S} \$100,000 = \text{Total grant to a particular town}$$

where: N = total number of coastal towns applying for funds  
a = area of particular town  
A = total area of all coastal towns applying  
p = population of particular town  
P = total population of all coastal towns applying  
s = length of shoreline of particular town  
S = total length of shoreline of all coastal towns applying

For example, if 100 towns apply, a typical small town covering 50 square miles with a population of 1,500 persons, with a shoreline of 30 miles would qualify for about \$7,500.

- B. SUPPLEMENTAL GRANTS will be available to coastal towns, in addition to those available under the Formula procedure, for projects involving two or more towns acting together for common ends and for high priority projects to be undertaken by one town. Single town projects will require a 20% match; multi-town projects will not. The purpose of these grants is to encourage towns to work together and to fund individual coastal towns that, in the judgment of the Committee on Coastal Development and Conservation, propose projects for which there is a special need, beyond that which can be met by a Formula Grant.
- C. SPECIAL PROJECT funds will be awarded at the discretion of the State Planning Office with the advice of the Committee on Coastal Development and Conservation. Those eligible for funding include: counties, Regional Planning Commissions, Development Districts, Resource Conservation and Development Projects, and State agencies. Priority will be given to projects that: serve as models for other areas; promote sustained yield management; lead to the more effective application of existing land use laws. A 20% match will be required. These funds will also be used by the CCDC for the preparation of issue papers to provide additional information for the refinements of coastal policy issues.

Funds will also be used for the preparation of issue papers to provide background information for the refinement of coastal policy issues. Specific policy recommendations will be presented to the Governor for his guidance to state agencies or to the legislature if legislation is required. This process has already been initiated for the following six policy issues: port development, tourism, heavy industry, fisheries, public access, recreation, and the cumulative effect of development decisions.

- D. TECHNICAL ASSISTANCE to coastal towns and others will be provided through the Regional Planning Commissions. Regional Planning Commissions will be funded on the basis of the number of coastal towns they serve and the population of those towns. A 20% matching grant is required. Funds are to be used primarily for providing improved technical services to the towns in the form of assistance, plan development, data.
- E. ADMINISTRATION OF 306 PROGRAM. The C.C.D.C. and the State Planning Office will coordinate and administer the 306 Coastal Program. The Committee's role will continue to be one of advising the State Planning Office in its technical, supervisory, and administrative duties.

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## VII. WHAT ARE THE ADVANTAGES OF AN APPROVED 306 PROGRAM?

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An approved 306 program would have the following major advantages to Coastal Maine:

- Coastal towns would receive funds for approved resource planning and management projects, a need expressed by many towns;
- All federal activities affecting the coast would have to be conducted in a manner consistent with Maine's Coastal Program; in other words, state and local government will gain increased leverage on Federal activities that affect the coastal area;
- It will foster greater cooperation and coordination among different levels of government, with the local communities playing a key role;
- It will provide the funding needed to develop sound recommendations for the refinement of policy on key coastal issues;
- It will allow for continuation of information services from the State Planning Office. Efforts to date have resulted in the coastal inventory maps, handbooks on maps and resource planning.
- It will allow for continuation of an increased level of technical assistance on resource planning and management problems.

MEMBERS OF THE COMMITTEE ON COASTAL DEVELOPMENT AND CONSERVATION

Jean Childs, Chairman  
Citizen Representative

Horace Hildreth, Jr.  
Vice-chairman

Hadley Atlass, Director  
State Development

Richard Barringer, Commissioner  
Department of Conservation

Richard N. Berry  
Former State Senator

Edward Bradley,  
Assistant Attorney General  
for Marine Resources  
representing Joseph Brennan,  
Attorney General

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Frederick Hutchinson, Representative  
of the University of Maine

John Joseph, Director  
Office of Energy Resources

Vinal Look, Commissioner  
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Roger Mallar, Commissioner  
Department of Transportation

Nancy Masterton  
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