

**TOWN OF HARPSWELL  
HARBOR AND WATERFRONT ORDINANCE  
ENACTED MARCH 9, 1991  
AMENDED MARCH 14, 1992  
AMENDED MARCH 12, 1994 EFFECTIVE JANUARY 1, 1995 ART. 18  
AMENDED MARCH 11, 1995 ART. 26  
AMENDED MARCH 16, 1996 ART. 30  
AMENDED MARCH 6, 1999 ART. 19  
AMENDED MARCH 8, 2003 ART. 78  
AMENDED MARCH 11, 2006 ART. 20  
AMENDED MARCH 8, 2008 ART. 7  
AMENDED MARCH 12, 2011 ART. 18  
AMENDED MARCH 9, 2013 ART. 9  
AMENDED MARCH 14, 2015 ART. 14  
AMENDED MARCH 12, 2016 ART. 9  
AMENDED MARCH 11, 2017 ART. 10  
AMENDED MARCH 10, 2018 ART. 7  
AMENDED MARCH 09, 2019 ART. 6  
AMENDED JULY 14, 2020 ART. 17  
AMENDED APRIL 23, 2022 ART. 15  
AMENDED MARCH 11, 2023 ART. 3**

Section 1      PURPOSE

The Town of Harpswell Harbor and Waterfront Ordinance is hereby established to regulate marine activities within the Town, to ensure the safety of its property, its inhabitants and the general public, to guarantee the availability and use of a valuable public resource, and to create a fair and equitable framework for administration of these goals.

Section 2      AUTHORITY AND ADMINISTRATION

2.1      Authority

2.1.1      This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and M.R.S. 30-A §3001, as the same may be amended from time to time.

2.1.2      This Ordinance is also adopted pursuant to Title 38 M.R.S Chapter 1, Subchapter 1, as the same may be amended from time to time. All provisions of Title 38 M.R.S. Chapter 1, Subchapter 1, as may be amended from time to time, are adopted as part of this Ordinance, except to the extent its provisions are inconsistent with the expressed terms herein.

2.1.3      This Ordinance shall be known as the Town of Harpswell Harbor and Waterfront Ordinance, and shall govern specified activities within the limits of the Town of Harpswell.

2.2      Administration

This Ordinance shall be administered by the Harbormaster and Selectmen of the Town of Harpswell, who may be assisted by a Harbor and Waterfront Committee (“the Committee”).

2.3      Severability and Separability

Should any section or provision of this Ordinance for any reason be held void and invalid it shall not affect the validity of any other section or provision.

2.4 Designations of Gender, Singular and Plural

2.4.1 Wherever the masculine gender is used herein, it shall be construed to include the feminine.

2.4.2 Wherever the singular is used herein, it shall be construed to include the plural.

Section 3 CLASSIFICATION OF WATERS

3.1 Classification

All the waters of Harpswell shall be classified by affirmative vote of the Board of Selectmen as Type One, Type Two, Type Three or Type Four areas as described in the rules and regulations implemented in accordance with M.R.S. Title 38 Section 2.

Type One: Low Intensity Use Areas

Type Two: Multi-Purpose Waters

Type Three: High Intensity Boating

Type Four: Commercial & Recreational Harbors

3.2 Classifications Plan

3.2.1 The classification of areas shall be recorded on a map of the Town, herein after referred to as the Waters Classification Plan, prepared for that purpose and maintained by the Committee. Copies of the Plan may be made from time to time and may be distributed, but the official copy shall be maintained by the Committee. A copy of the current Plan shall be filed at the Town office and made available for viewing by the Public upon request.

3.3 Change in Classifications

3.3.1 Requests for changes in classifications shall be presented in writing to the Committee, and the Committee shall transmit the requested change to the Board of Selectmen with its recommendation either for approval or rejection.

All classification changes must be approved by the Board of Selectmen, after holding an advertised public hearing at a regularly scheduled Board of Selectmen's meeting.

Section 4 DEFINITIONS

4.1 Abandoned Moorings

A mooring in Harpswell waters shall be considered abandoned unless it is currently registered with the Town and a valid permit number is clearly painted or burned on the mooring buoy. In addition, any registered mooring that is installed but unused for 365

days by the owner or his family or any registered mooring that is not installed within 365 days of the date of registration shall also be considered abandoned.

- 4.2 **Abandoned Vessel**  
Any vessel which is determined by the Harbormaster to constitute a hazard to navigation, or which is sinking or already sunk, or which is stranded on any property without the permission of the owner of the property.
- 4.3 **Anchorage**  
All areas within the waters of Harpswell specifically designated as Anchorage or Special Anchorage in the rules and regulations pursuant to Title 38 Section 2, for use as mooring areas but have no clear Zones or buffer zones specifically designated.
- 4.4 **Aquaculture**  
Aquaculture means the culture or husbandry of marine organisms by any person. All applications are regulated by the Maine Department of Marine Resources.
- 4.5 **Closed Harbor**  
A mooring area determined by the Harbormaster to have reached or is reaching capacity.
- 4.6 **Commercial Fishing Vessel**  
Any vessel used primarily to generate income through fishing.
- 4.7 **Commercial Vessel**  
Any vessel used primarily to generate income.
- 4.8 **Float Moorings**  
Floats that are used for business or recreation, not secured to the shore but held in place by an anchoring device not carried aboard a vessel as regular equipment. (Army Corp of Engineers permit required).
- 4.9 **Guest Mooring**  
A temporary mooring that may be permitted yearly in a non-congested area, as determined by the Harbormaster, to a Resident or Non Resident Taxpayer shorefront property owner, solely for use by that permit holder's guests on a non-rental basis. The mooring shall not be occupied by the same vessel for more than seven days. (Army Corps of Engineers permit required)
- 4.10 **Harbor**  
All areas within the waters of Harpswell which have been classified as Harbors in the rules and regulations pursuant to Title 38 Section 2 and which have clear zones, buffer zones and mooring locations, specifically established.
- 4.11 **Harbormaster**  
The person appointed to serve as such by the Board of Selectmen.
- 4.12 **Haul-Off Mooring**  
A mooring system for a dinghy or boat that allows the dinghy or boat to be hauled to and from a mooring block, mushroom, anchor or other weighted object to the shore by a system of lines secured at the shore.

- 4.13 **Marine Related Business**  
A business establishment that must have direct access to navigable water in order to function, such as marinas, water-borne transportation facilities, and finfish and shellfish processing facilities, but excluding commercial fishing vessels. This definition is provided only for the purpose of this Ordinance and is not a definition of the term for the purposes of any other ordinance or plan approved by the Town.
- 4.14 **Mooring**  
An anchoring device not carried aboard a vessel as regular equipment.
- 4.15 **Mooring Buoy**  
A floating device designed to mark a mooring location.  
For any newly assigned moorings, buoys shall be colored white with a single blue horizontal band clearly above the water line, as described in Section III(5)(a) of the Maine Bureau of Public Lands Rule 01-670 C.M.R. ch. 3 (2014), governing Maine State Aids to Navigation System (implemented pursuant to Title 12, Section 1894.
- 4.16 **Non-Resident**  
Any individual who does not maintain a legal residence within the Town of Harpswell.
- 4.17 **Non-Resident Taxpayer**  
A non-resident who pays real estate taxes to the Town of Harpswell.
- 4.18 **Point of Access**  
The upland area in Harpswell that is used to access a mooring of which the area of land is owned by the mooring owner or by the Town of Harpswell or constitutes a right of way or other property such as a yacht club or other association in which the applicant has rights and/or membership for the purpose of accessing the water. Parcels that are commercially operated may be considered a Point of Access for commercial, service and rental moorings.
- 4.19 **Rental Mooring**  
A mooring that is leased or rented to a person other than the holder of the mooring registration. (Army Corps of Engineers permit required)
- 4.20 **Resident**  
An individual who maintains a legal residence in the Town of Harpswell.
- 4.21 **Service Mooring**  
Any mooring owned by a commercial entity used in the daily operations of that business that is not intended for rental purposes. (Army Corps of Engineers Permit required)
- 4.22 **Shorefront Owner**  
An owner of a parcel of land, as that term is defined in Title 38 M.R.S. § 11(2), as may be amended from time to time, contiguous to waters of Harpswell.
- 4.23 **Subtidal Waters**  
The waters below the extreme low water mark.
- 4.24 **Town Wharf, Dock or Float**  
A wharf, dock or float owned and maintained by the Town of Harpswell.
- 4.25 **Town Landing**  
An area of land contiguous to waters of Harpswell which is owned by the town of which

is impressed with a public right of access.

4.26 Vessel  
A vessel shall include boats of all sizes powered by sail, machinery or by hand; scows; dredges, and craft of any kind.

4.27 Waters of Harpswell  
All waters below the highest annual tide and extending seaward three miles from the shoreline of property located within the boundaries of the Town of Harpswell.

## Section 5 MOORING REGISTRATION AND REGULATIONS

### 5.1.1 Registration

All moorings located below the lowest annual tide in waters of Harpswell shall be registered with the Town Clerk. For renewal moorings re-registered after May 1, a late fee will be added. Late fees are determined by the Board of Selectmen, as may be amended from time to time.

### 5.1.2 Requirements for New and Renewal Mooring Registration

Applicants for a new mooring registration must submit a completed application form to the Town Clerk on forms available in the Town Clerk's Office. Applicants for a renewal mooring registration need only submit a new completed form to the Town Clerk if there are any changes to the registration from the prior year, including change of vessel, change of contact information, change of resident status or upon the Harbormaster's request. A vessel or float registered and/or owned by the mooring applicant must accompany each mooring, unless a permit from the Army Corps of Engineers is acquired. In cases where a permit from ACOE has been acquired, the mooring may be registered as a Rental, Service, Guest or Float Mooring with approval from the Harbormaster.

### 5.1.3 Requirements for New and Renewal Waiting List Registration

Applicants for a new waiting list registration must submit a completed application form to the Town Clerk on forms available in the Town Clerk's Office. Applicants for a renewal waiting list registration need only submit a new completed form to the Town Clerk if there are any changes to the registration from the prior year, including change of vessel, change of contact information, change of resident status or upon the Harbormaster's request. Failure to renew a position on the waiting list shall result in losing seniority on the waiting list.

### 5.1.4 Categories of Mooring Registration

- 5.1.4.1 Resident /Non-Resident Taxpayer
- 5.1.4.2 Non Resident
- 5.1.4.3 Rental Mooring
- 5.1.4.4 Float Mooring
- 5.1.4.5 Service Mooring
- 5.1.4.6 Guest Mooring

### 5.1.5 Registration Fees

The registration fee shall be in the amount determined by the Board of Selectmen in accordance with Title 38 M.R.S. § 7-A(2), as may be amended from time to time. The registration fee schedule shall be available at the Town Office.

### 5.1.6 Waiting List Fee

All waiting list fees are due by May 1, annually. The Waiting List Fee shall be in the amount determined by the Board of Selectmen as may be amended from time to time.

#### 5.1.7 Unregistered Moorings

If any mooring that has not been previously registered is placed in Harpswell waters, the Harbormaster may have the mooring removed immediately at the expense of the person or persons responsible. If any renewal moorings in the waters of Harpswell are unregistered after May 1, the Town Clerk shall notify the owner. If registration is not completed within thirty (30) days of the date of notice, the Harbormaster may have the mooring removed at the expense of the mooring owner.

#### 5.1.8 Permit Numbers

The issued permit number must be painted or burned onto the mooring buoy in a legible manner with numbers at least 3 inches tall. Mooring buoys without the mooring permit number properly displayed shall be considered abandoned.

### 5.2 Assignment of Mooring Space

5.2.1 A permitted mooring shall be assigned a location in Harpswell waters by the Harbormaster on a first-come first served basis as space permits with due regard to navigation and the safety of persons and property, and, where feasible, the prior year's location. New mooring permits will not be issued for a mooring that is located more than one-half statute mile from the applicant's point of land access in Harpswell.

5.2.2 If there is insufficient space to assign allocations for all registered moorings in the location requested, the harbor will be considered closed. The applications not assigned mooring locations shall be placed on a waiting list which will be maintained by the Town Clerk, posted and available for inspection in the Town Office.

5.2.3 Any applicant who completes re-registration by May 1, of any year shall be given preference for the location occupied by the registrant's mooring the prior year, unless the Harbormaster determines that a demonstrated need for that location has been shown by someone higher on the list of priorities in Section 5.2.4 below. In such an event, after consultation with the original registrant, the Harbormaster will provide a new location and relocate the mooring, in the same condition it was in at its original location, at the expense of the new mooring owner being assigned the original registrant's location.

5.2.4 As space in closed Harbors and Anchorages of the waters of Harpswell becomes available, assignments of mooring locations shall be made from the waiting list in accordance with the terms of Title 38 M.R.S. § 7-A(2), as may be amended from time to time, on the basis of the date of the applicant's request and with the following priorities:

5.2.4.1 Shorefront Owner with respect to an initial location adjacent to the owner's shore frontage, including owners of lawfully created lots who, prior to January 1, 1987, owned shore rights of at least 100 feet of frontage regardless of the size of the lot;

5.2.4.2 Resident Commercial Fisherman;

5.2.4.3 Resident Marine Related Business

5.2.4.4 Resident Recreational;

5.2.4.5 Non-Resident Taxpayer;

5.2.4.6 Non-Resident Commercial Fishermen

5.2.4.7 Non-Resident Marine Related Business

#### 5.2.4.8 Non-Resident Recreational.

#### 5.2.5 Mooring Inspection Required

Moorings shall be inspected not less than once every three years. The owner of the mooring shall provide evidence of inspection, or proof of current vessel insurance, or sign a mooring safety statement form indicating that the mooring is in safe and operable condition as inspected by the mooring owner and in accordance with suggested industry standards. (Industry standard suggestions may be obtained from the Harbormaster's office). Signature on a mooring safety statement form indicating that the mooring will not be used until the mooring can be made safe and operable will also be considered sufficient for that renewal period. The mooring owner is responsible for the adequacy and performance of all mooring gear, tackle, and maintenance thereof. The Harbormaster has the authority to inspect at any time any mooring and to require any necessary maintenance or replacement of parts or the whole mooring, tackle and/or gear, for which the mooring owner shall be responsible for all costs incurred. Failure to maintain a safe and adequate mooring may result in civil penalties and loss of the mooring permit.

The Town of Harpswell assumes no liability whatsoever for the actual performance or adequacy of any mooring system employed by a mooring owner.

#### 5.2.6 Rental Moorings

No mooring shall be used as a rental mooring without first registering it with the Town and obtaining a permit from the Army Corps of Engineers. An alternate numbering system may be used by the rental mooring owner if approved by the Harbormaster.

#### 5.2.7 Float Moorings

Float moorings shall be registered with the Town and be permitted by the Army Corps of Engineers. Float moorings shall only be used for their permitted purposes.

#### 5.2.8 Guest Moorings

Guest moorings shall be registered with the Town and be permitted by the Army Corp of Engineers. Guest moorings shall only be used for their permitted purposes.

#### New Haul-Off Moorings

No haul-off mooring shall be placed within 100 feet of any public boat launch, dock, pier, wharf or other publically owned property without approval from the Harbormaster. Any haul-off mooring interfering with the ingress or egress of any publically owned boat launch, dock, pier, wharf or other publically owned property, after notification by the Harbormaster, will result in the removal of the haul-off, at cost to the owner.

#### 5.2.9 Transfer of Moorings

Mooring gear may be sold or transferred at the discretion of the owner. However, the mooring location or assignment may not be bought, sold, or otherwise transferred unless it is a transfer of a mooring assignment used for commercial fishing purposes. A mooring assignment used for commercial fishing purposes may be only be transferred as follows:

- at the request or death of the assignee;

- to a member of the assignee’s family; and
- if the mooring assignment will be continued to be used for commercial fishing purposes.

For the purposes of this subsection, “member of the assignee’s family” means an assignee’s parent, child, or sibling by birth or by adoption, including a relation of half-blood or an assignee’s spouse. The Harbormaster shall be notified of transfers for commercial fishing purposes within thirty (30) days of the transfer.

5.2.10 Relocation of Moorings

When any mooring within the waters of Harpswell is located such that hazard to other property is inherent due to its position, the Harbormaster shall arrange for the relocation of the mooring or moorings involved whenever he is notified of the hazard. Any expense to the Town relating to the relocation of moorings shall be reimbursed by the owners.

5.3 Removal of Abandoned Moorings

When the Harbormaster has determined that a mooring is abandoned, he shall so tag the mooring buoy. He shall record the date of the determination, location of the mooring and, if possible, the name of the owner in his records. He shall notify the owner of the abandonment and order the owner to remove the mooring within fifteen (15) days of the date of the notice. If the mooring is not removed, the mooring buoy appropriately marked or re-registered within the applicable fifteen (15) day period, it may be removed or dropped by the Harbormaster at the expense of the owner in accordance with the provisions of Title 38 M.R.S. § 4, as may be amended from time to time. Nothing in this Section shall impede enforcement (Section 8.1.7) or collection of penalties (Section 8.2).

5.4 Removal of Abandoned Vessels

Except where the vessel constitutes an immediate hazard to public health or safety or welfare, the Board of Selectmen shall notify the owner of an abandoned vessel of his duty to remove the abandoned vessel within fifteen (15) days of the date of the notice. If the vessel is not removed within the applicable fifteen (15) day period, it may be removed by the Harbormaster at the expense of the owner in accordance with the procedures of Title 38 M.R.S. § 5, as may be amended from time to time. Where the Board of Selectmen determines that the abandoned vessel constitutes a threat to public health or safety or welfare, it may authorize the Harbormaster to remove the vessel immediately and without notice at the expense of the owner. Nothing in this Section shall prevent the Town from enforcing Section 8.1.5 or from collecting penalties (Section 8.2).

Section 6 HARBOR AND WATERFRONT COMMITTEE

6.1 Committee Make-up

The Harbor and Waterfront Committee shall be comprised of a certain number of members, as determined and appointed by the Board of Selectmen.

6.2 Terms of Office and Positions

6.2.1 At the time of adoption of this Ordinance, the Board of Selectmen shall designate two members of the Committee to have terms of office expiring at the end of one year, two members to have terms of office expiring at the end of two years, and three members to have terms of office expiring at the end of three years.



- 6.2.2 Thereafter, as normal terms of office expire, appointments to the Committee shall be for three year terms, thus guaranteeing continuity of the Committee and its work.
- 6.2.3 The committee shall annually, at the first meeting after the Board of Selectmen has appointed the members, elect a Chairman, a vice-chairman, and a secretary from among its own members. Those so elected shall take office at the close of the meeting and shall continue in office until the next annual election. Should the chairman's position become vacant, the vice-chairman shall succeed to that position. Should other duly elected positions become vacant, the chairman will fill them by appointment.
- 6.2.4 Should any Committee Member's position become vacated, a replacement shall be appointed by the Board of Selectmen to serve out the remainder of the term of the member being replaced.
- 6.2.5 Upon the written recommendation of the Committee, the Board of Selectmen may request the resignation of an inactive or disruptive Committee member and take the necessary steps for replacement.
- 6.2.6 Should a vacancy occur within three months of a normal term expiration the Board of Selectmen, at its discretion, may either leave the position vacant for the remainder of the unexpired term, or appoint a new member whose term will run for three years plus the unexpired remainder.

### 6.3 Duties and Responsibilities

- 6.3.1 The Committee shall act as an advisory Board to Harbormaster and the Board of Selectmen on all matters pertaining to Harbors, Anchorages and the Waterfront.
- 6.3.2 The Committee shall monitor the activities of the Harbormaster and his care, custody and management of Town Landings, harbors, Anchorages and their facilities and, from time to time, make recommendations to the Board of Selectmen.
- 6.3.3 The Committee shall work closely with the Harbormaster to ensure that his duties are carried out as intended by this Ordinance, Title 38 M.R.S. Chapter I and other applicable statutes. Suggestions for improvements or other change (s) in Committee responsibilities shall be discussed with and approved by vote of the Board of Selectmen before being adopted.
- 6.3.4 The Committee shall serve as a Board of Appeals for decisions made by the Harbormaster under this Ordinance.
- 6.3.5 The Secretary shall keep an accurate record of all of the Committee's proceedings and shall provide the Board of Selectmen with copies of the minutes of all meetings, and also with an Annual Report prepared in time for inclusion in the Annual Town Report.
- 6.3.6 The Committee may assist the Harbormaster in review, upon request, of any subtidal Aquaculture applications submitted to the Town for Harbormaster consideration. The Harbormaster has the final authority to decide on the application in regards to fishing, navigation and other uses of the area.

### 6.4 Compensation

- 6.4.1 Committee Members shall serve without compensation.
- 6.4.2 Committee Members shall be reimbursed for any expenses incurred with the prior approval of the Board of Selectmen.

Section 7 THE HARBORMASTER, DEPUTY HARBORMASTER(S) AND ASSISTANT HARBORMASTERS – QUALIFICATIONS AND SALARY

7.1 Harbormaster Appointment

The Harbormaster shall be appointed by the Board of Selectmen and shall be subject to their control and supervision. The Harbormaster shall serve in that capacity until discharged by the Board of Selectmen or until resignation.

7.1.1 Deputy Harbormaster(s)

Where the term “Harbormaster” is used throughout the remainder of this Section 7, it shall also include “Deputy Harbormaster” except as may be limited or restricted by the Harbormaster himself, and also excluding Section 7.6 – Meetings. Deputy Harbormasters are not required to attend meetings of the Harbor and Waterfront Committee since their activities are regularly reported to the Harbormaster.

7.2 Training

Within eighteen months of his/her employment, the Harbormaster shall successfully complete the State Harbormaster Association’s Training course at the expense of the Town. Failure to pass the course for any reason shall result in his/her termination and discharge by the Board of Selectmen, after notice and hearing.

7.3 Carrying a Weapon

Even though the Harbormaster may hold a valid permit to carry a weapon, he/she shall not do so in carrying out his/her duties until he/she has completed the Criminal Justice Academy training course (providing for power of arrest as well as permit for carrying a weapon) and unless he or she shall have received written approval from the Board of Selectmen to make arrests and to carry a weapon.

7.4 The salary of the Harbormaster and Deputy Harbormaster(s) shall be determined by the Board of Selectmen.

7.5 Management

The Harbormaster shall manage the Floats, Docks, Ramps, Moorings and Landings that are owned by the Town and shall make recommendations regarding their operation, use and maintenance to the Committee.

7.6 Meetings

The Harbormaster shall regularly attend meetings of the Harbor and Waterfront Committee, but shall not be a member of the Committee. He shall keep the Committee fully informed of all his activities, problems encountered, solutions affected, and activities which have required his special attention. He shall also provide information on matters pertaining to the committee’s duties and responsibilities.

## 7.7 Records

The Harbormaster shall maintain a record for five years in which he shall record all complaints received (both written and oral), the date and time received, the response made to the complaint, and the date and time of such response.

## Section 8 VIOLATIONS, ENFORCEMENT

### 8.1 Operation of Vessels/Violations

- 8.1.1 It shall be unlawful to operate a vessel in the waters of Harpswell so as to endanger persons or property.
- 8.1.2 It shall be unlawful to operate a vessel in a manner which creates excessive wake or wake-wash.
- 8.1.3 It shall be unlawful to establish or maintain an unregistered mooring.
- 8.1.4 It shall be unlawful to park a motor vehicle so as to block or restrict access to a Town Landing.
- 8.1.5 It shall be unlawful to abandon a vessel within the waters or upon the shoreline of Harpswell.
- 8.1.6 It shall be unlawful to abandon lobster, crab and shellfish cans or crates within the waters of Harpswell.
- 8.1.7 It shall be unlawful to abandon a mooring within the waters of Harpswell.
- 8.1.8 It shall be unlawful to refuse to obey any lawful Order of the Harbormaster.
- 8.1.9 It shall be unlawful for any person or persons to establish or maintain a residence on any type of vessel within waters of Harpswell unless the vessel has established access to property with shoreline on the waters of Harpswell which is equipped with waste pump-out facilities and the vessel contains sewage holding tankage attached to each marine toilet and the vessel's sewage system is not equipped with "Y" valves to permit overboard discharge.
- 8.1.10 It shall be unlawful to leave a vessel at a Town Wharf, Dock or Float for a period exceeding thirty (30) minutes without the permission of the Harbormaster; provided, however, that the Board of Selectmen may, after notice and hearing, adopt rules and regulations governing the use of a Town Wharf, Dock or Float, including, without limitation, rules and regulations that establish a systematic approach for the Harbormaster to grant permission for vessels to exceed the thirty (30) minute tie-up limit and a fee schedule related to the same.
- 8.1.11 The Harbormaster may remove, or cause to be removed, to the Transfer Station or other location designated in writing by the Board of Selectmen any unattended dinghy/skiff/vessel obstructing use of a Town Wharf, Dock, Float or landing after due effort has been made by the Harbormaster to notify the owner or operator of said dinghy/skiff/vessel of the violation. Any dinghy/skiff/vessel filled with water to the seat level shall be considered unattended. The vessel owner shall be responsible for all associated costs of removal.

8.1.12 The Harbormaster shall have the general authority to supervise use of the Town Wharf, Dock or Float and shall be responsible for the neat and orderly use of the Town Wharf, Dock or Float and for the assignment of any float space.

## 8.2 Rules and Regulations

In addition to the requirements listed above in Section 8.1 and elsewhere herein, the Board of Selectmen may adopt rules and regulations, pursuant to Title 38, M.R.S. § 2, to keep open convenient channels for the passage of vessels in harbors and waterways within the Town's jurisdiction and, as warranted, to establish boundary lines of those channels and assign suitable portions of their harbors and other coastal waters for anchorages.

## 8.3 Violation of Ordinance, Rules and Regulations

Except as provided in Title 38 M.R.S. § 13, as may be amended from time to time, a violation of this Ordinance or the rules and regulations adopted pursuant to this Ordinance shall be a civil violation and may be prosecuted and relief, fees, fines and penalties granted and assessed pursuant to the provisions of Title 30-A M.R.S. § 4452, as may be amended from time to time. For purposes of this Section, each day that a violation continues shall be considered a separate offense.

## 8.3 Enforcement of Ordinance, Rules and Regulations

The Harbormaster shall have the authority and responsibility to enforce this Ordinance, any rules and regulations adopted hereunder, and the provisions of Title 38, Chapter 1, Subchapter 1, as may be amended from time to time. All law enforcement officers of the State of Maine, including Harbormasters and their deputies, shall have the authority to enforce this Ordinance and rules and regulations adopted hereunder, and, in the exercise thereof, shall have the authority to stop and board any vessel found in violation of this Ordinance or rules and regulations adopted hereunder. It shall be unlawful for any operator of such vessel to fail to stop upon request of such officer and violation shall be punishable as provided in Title 38 M.R.S. § 282, as may be amended from time to time.

## 8.4 Appeals

Any person aggrieved by a decision of the Harbormaster may appeal the decision to the Committee within thirty (30) days of the Harbormaster's decision. Decisions of the Committee, when acting as a Board of Appeals, may be appealed to the Board of Selectmen within thirty (30) days of the Committee's decision. Decisions of the Board of Selectmen may be appealed to Superior Court within thirty (30) days of the Board of Selectmen's written decision.

## 8.5 Aquaculture Review Fees

If any person submits an application to the Commissioner of the Maine Department of Marine Resources for an aquaculture lease or license and the Town of Harpswell provides the Commissioner with information necessary for the completion of that lease or license application, the Town of Harpswell may charge that person a fee as set by the Harpswell Board of Selectmen for the administrative costs associated with providing that

information to the Commissioner on that person's behalf. The fee shall not exceed the amount as defined in Title 12, M.R.S. . § 6088.