

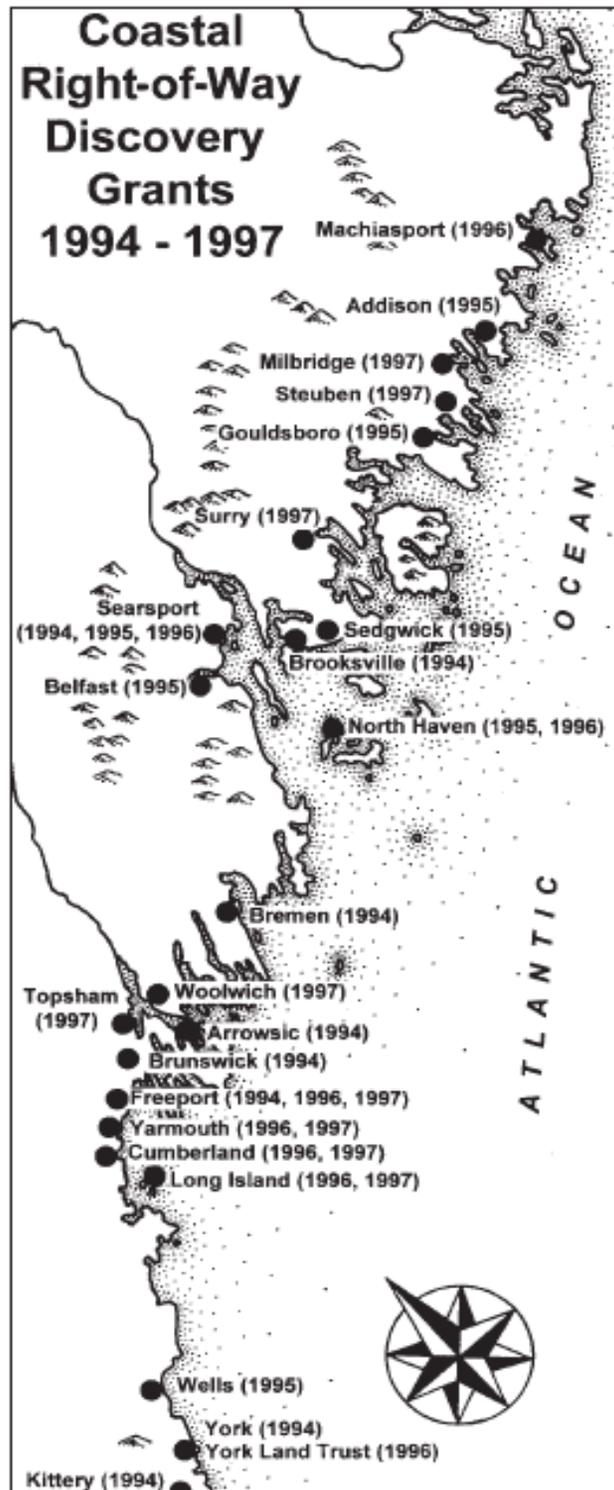
The Maine Coastal Program has available a **Public Access Series** of handbooks:

Coastal Right-of-Way Rediscovery Programs – a guide to the rediscovery of rights-of-way that may already exist within a community but may have been forgotten with the passage of time.

How to Conduct an Inventory of Scenic Areas – a guide for those who wish to conduct a visual resources inventory for your community and to prepare a simple map of scenic views.

Liability of Maine Landowners Who Provide Public Access – a guide to legal issues related to the liability of Maine municipalities and landowners who provide public access ways for recreational uses.

Planning and Implementing Public Shoreline Access – a guide to the steps involved in preparing a public access plan with regulatory and non-regulatory techniques for securing public shoreline access.



Maine's Right-of-Way Discovery Grant Program



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Access to the shoreline is vital to all of Maine's coastal communities. Residents and visitors alike need access for a range of activities, including fishing, clamming, boating, picnicking, swimming, and exploring. One important goal of the Maine Coastal Program is to ensure that Maine communities have public access to the shore – and that they do not lose it.

The Maine Coastal Program helps communities keep track of existing public access through a Right-of-Way Discovery Grant Program. Every year the Coastal Program awards six to nine small grants of approximately \$1,000 each to municipalities or local land trusts to research forgotten or overlooked public rights-of-way to the shore.

Discovery grants are intended to help communities find and assert public rights-of-way to the shore, which may be lost by the passing generations and changing land ownership patterns. A local effort to rediscover existing but uncertain, unused or forgotten legal rights of access to the shore usually involves a series of steps: an inventory of possible access points, deed research to verify public rights, and actions to assert and safeguard these public rights.

Often these grants serve to get projects started; sometimes they strengthen an ongoing initiative; and at times are the catalyst for an outright purchase of shoreline by a town. Here are examples of what some communities have accomplished with these grants in recent years.

York – The Fisherman's Walk/Cliff Path extends along the shore of York Harbor and the Atlantic Ocean, a distance of approximately two miles. Historically, the path was used by fishermen living in Lobster Cove to travel back and forth to York Har-

bor. Previous research on the Fisherman's Walk had established that deeds for many of the properties along the walk included wording giving the public a right to cross the property. The town used the Discovery Grant to check the deeds of ten properties not previously researched. Deeds for eight of the ten reserved a pathway for the public.

This finding seems to have been a catalyst for further town action. Shortly thereafter the town began to maintain the walk from Route 103 along the harbor to Harbor Reach Road. In 1996 residents at the town meeting approved \$35,000, and another \$20,000 in 1997, to rebuild the stone wall along the harbor portion of the walk.

Brunswick – Brunswick's *1995 Shore Access Report* - a 50-page study plus 24 maps prepared for the town conservation commission - documented the historical and legal basis for public rights to the water at 23 sites. To ensure that this information would not be lost, copies of the study and supporting documentation were given to municipal officials, the Brunswick-Topsham Land Trust, Curtis Memorial Library, Pejepscot Historical Society, and the Maine State Library.

Searsport – Deed research by the town of Searsport determined that the continuation, or extension, of Navy Street to the shore is a public way. The town posted a sign at the end of the street indicating that a public way to the shore exists and put down gravel to make walking easier.

Belfast – In the course of one year, June 28, 1995 to April 26, 1996, Belfast "found" 16 public rights-of-way to the water. It all began with the ad hoc Public Ways Committee, which research 24 city roads and checked the public ways that lead all the way to the water. The Committee found that 16

roads extended as public ways to the water. The City Council voted to record these 16 public ways in the registry of deeds and the City cleared as necessary 10 to 15-foot rights-of-way to the water and posted signs reading "Town of Belfast Public Way."

Wells – The town of Wells used the Discovery Grant to begin researching who owns approximately 2,200 feet of Wells Beach. The Wells' attorneys have had to trace the Town's claim all the way back through the 1600s, both to King James I of England and to the Indian Sagamore, Thomas Chabinock. The case is currently working its way through the courts.

Machiasport – In Machiasport there were strong indications that fishermen, clammers and others had been using the Hickey Road to access Gray's Beach, continuously and unchallenged, since 1875. However, ownership of, and title to, the road was in question. A Right-of-Way Discovery Grant enabled the town to research the history of the road. The results of this research were inconclusive as to title to the road, but through continued use the public has acquired rights of access. As a result of the research, funded by this small grant, the town has purchased the so-called "Church Property," which borders the Hickey Road and has frontage on Gray's Beach at Little Kennebec Bay. The ownership of this particular piece of property guarantees that the residents of Machiasport will always have access to Gray's Beach.

For more information on how to apply for the next round of Right-of-Way Discover Grants, please contact Matt Nixon at the Maine State Planning Office (ph: 624-6226; email: Matthew.E.Nixon@maine.gov).