

1 H.128

2 Introduced by Representatives Obuchowski of Rockingham and Partridge of

3 Windham

4 Referred to Committee on

5 Date:

6 Subject: Conservation; public trust doctrine

7 Statement of purpose: This bill proposes to provide that the public trust
8 doctrine that applies to the navigable rivers, streams, brooks, and creeks of the
9 state shall extend to the 10-year high-water mark. It proposes to require the
10 department of environmental conservation to act to protect the public's
11 interests in these waters by providing information to municipalities, law
12 enforcement personnel, and landowners with respect to the interests of the
13 general public in these waters; and by recommending a process by which a
14 landowner may apply for an abatement of taxes for those lands that are subject
15 to this policy, and whereby a municipality would compute the acreage that
16 would be subject to the abatement and grant the abatement. Finally, it
17 proposes to require the agency of natural resources to provide each town with a
18 notice with respect to the rights of the general public in these waters, and it
19 requires the towns to include a copy of the notice in each tax bill mailed during
20 2010 and every five years thereafter to property owners in the town.

1 information to municipalities, law enforcement personnel, and landowners
2 with respect to the rights of riparian landowners and the rights of the general
3 public in these lands; and make recommendations for a process by which a
4 landowner may apply for an abatement of taxes for these lands, and whereby a
5 municipality would compute the acreage that would be subject to the
6 abatement and award the abatement.

7 Sec. 3. NOTICE OF PUBLIC TRUST DOCTRINE

8 The secretary of natural resources, prior to June 1, 2010 and every fifth year
9 thereafter, shall prepare and supply to each town in the state a notice of the
10 public trust doctrine as it applies to the navigable rivers, streams, brooks, and
11 creeks of the state. A town shall include the notice in each tax bill and notice
12 of delinquent taxes which it mails during 2010 and every fifth year thereafter,
13 to taxpayers of that town. The notice to property owners shall explain that the
14 public trust doctrine extends to the 10-year high-water mark in the navigable
15 rivers, streams, brooks, and creeks of the state, and that the public has a right to
16 pass through these lands without harassment from a riparian landowner.