

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1494 - L.D. 2215

An Act Relating to Nonwater-dependent Floating Structures

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §13056, sub-§3-A, ¶B, as enacted by PL 2025, c. 378, §10, is amended to read:

B. Meets all applicable operating visibility requirements under 46 Code of Federal Regulations, Section 144.905. The watercraft must include a position from which its operator is afforded unobstructed forward visibility to each side of the centerline for at least 70 degrees from the operator's position and is afforded unobstructed lateral visibility to each side of the centerline at least 90 degrees from the operator's position standards related to the field of vision from the helm position as recommended by the American Boat and Yacht Council or its successor organization;

Sec. 2. 38 MRSA §3301, sub-§1, as enacted by PL 2025, c. 378, §12, is amended to read:

1. Abandoned nonwater-dependent floating structure. "Abandoned nonwater-dependent floating structure" means a nonwater-dependent floating structure that has been left in, on or over ~~internal~~ the waters of this State for more than 24 hours without intention of removal by the owner, as determined by the primary enforcement authority.

Sec. 3. 38 MRSA §3301, sub-§2, as enacted by PL 2025, c. 378, §12, is repealed.

Sec. 4. 38 MRSA §3301, sub-§8, as enacted by PL 2025, c. 378, §12, is repealed.

Sec. 5. 38 MRSA §3301, sub-§11, as enacted by PL 2025, c. 378, §12, is amended to read:

11. Nonwater-dependent uses. "Nonwater-dependent uses" means those uses that can function in a location other than on the surface waters of ~~the~~ this State and that do not require, for their primary purpose, location on submerged lands or direct access to inland waters or ~~eastal~~ territorial waters.

Sec. 6. 38 MRSA §3301, sub-§11-A is enacted to read:

11-A. Territorial waters. "Territorial waters" has the same meaning as in Title 12, section 6001, subsection 48-B.

Sec. 7. 38 MRSA §3301, sub-§13 is enacted to read:

13. Waters of this State. "Waters of this State" has the same meaning as in Title 12, section 13001, subsection 30.

Sec. 8. 38 MRSA §3302, first ¶, as enacted by PL 2025, c. 378, §12, is amended to read:

Except as otherwise provided in this chapter, a person may not place or use a nonwater-dependent floating structure in, on or over ~~internal~~ the waters of this State.

Sec. 9. 38 MRSA §3303, sub-§2, as enacted by PL 2025, c. 378, §12, is amended to read:

2. Swimming structures. Any dock, wharf or swimming and diving float that is used as a floating structure for swimming or diving or for the temporary tie-off of watercraft, is placed on ~~internal~~ the waters of ~~the~~ this State and is temporarily or permanently anchored to the bottom of those waters;

Sec. 10. 38 MRSA §3304, sub-§1, as enacted by PL 2025, c. 378, §12, is amended to read:

1. Eligibility. Notwithstanding any provision of law to the contrary, the owner of a nonwater-dependent floating structure that was in existence as of January 1, 2025 may make application to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, referred to in this section as "the bureau," through the submerged lands leasing program established pursuant to Title 12, section 1862 for a nonwater-dependent floating structure lease on the ~~internal~~ waters of ~~the~~ this State that authorizes the owner to continue to operate the nonwater-dependent floating structure in accordance with the requirements of this section when the following applies:

A. The applicant holds right, title or interest to the shorefront to which the nonwater-dependent floating structure is attached; or

B. If the nonwater-dependent floating structure is not attached to the shore, the applicant has right, title or interest to the adjacent upland shorefront and holds an approved mooring from the United States Army Corps of Engineers or the municipality in which the structure is located.

Sec. 11. 38 MRSA §3304, sub-§6, ¶B, as enacted by PL 2025, c. 378, §12, is amended to read:

B. If the structure is located on ~~eastal~~ territorial waters, it must comply with 33 United States Code, Section 1322.

Sec. 12. 38 MRSA §3304, sub-§7, ¶B, as enacted by PL 2025, c. 378, §12, is amended to read:

B. Once sited in accordance with a lease issued under this section, a nonwater-dependent floating structure may not be sited in any other location on the ~~internal~~ waters of ~~the~~ this State.

Sec. 13. 38 MRSA §3305, sub-§3, as enacted by PL 2025, c. 378, §12, is amended to read:

3. Removal of structures. A person who violates section 3302 shall remove the violating nonwater-dependent floating structure from the ~~internal~~ waters of this State that the structure was placed or used in, on or over and is responsible for all costs associated with the removal and the costs of any damage to persons or property caused by the structure's placement or use.