

To: Chair Baldacci, Chair Roberts, and members of the Inland Fisheries and Wildlife Committee

From: Gilson Riecken & Emily Sano
122 Palmer Ln., Center Lovell, ME 04016
and
387 Commercial St., #434, Portland, ME 04101

Date: 29 April, 2025

Re: Support of LD 1763

I write in support of LD 1763, which prohibits non-water-dependent floating structures (NWFS) on inland and coastal waters.

NWFS present dangers to public safety and navigation

- Since they typically lack the proper lighting that allows them to be seen at night or a proper designated location on a lake. In the dark, others on the water won't know where they are located.
- In that towns are not equipped to do water rescues at night, they present emergency rescue risks for anyone living on such a structure.
- Because these structures are not registered, and no one knows where such a structure might be, EMS could have difficulty finding the location.
- Because NWFS are not built to any codes or other safety standards, they present unreasonable risks for sinking – and thus of causing harm and or death to their inhabitants as well as posing potential risks to others on the water.

Additionally, NWFS damage the environment and create health hazards:

- They have no regulated sewage systems onboard, so present an unreasonable risk of dumping sewage directly into the lakes and waterways.
- Garbage from NWFS is more likely to be thrown overboard directly into lakes, as their disposal systems are not adequate to support regular habitation, while the demands on their systems are greater than ordinary watercraft, as they tend to be on the water for much longer periods of time.
- NWFS located in littoral areas are likely to damage critical fishery habitat.

The rights of the public to use Maine's waters and its submerged lands, known as "Public Trust Rights," do not permit NWFS. The state of Maine, as trustee of its submerged lands, protect the public's right to use these lands and to obtain fair market rental value on behalf of the public in exchange for granting exclusive use of public trust resources to private entities. Occupation of these submerged lands by a privately structure affects the public's

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ability to freely exercise at least some of its public trust rights. If the State fails to regulate NWFS, it will almost certainly open itself to lawsuits from town and residents for not properly regulating NWFS under Public Trust Rights.

NWFS also impose additional costs to Towns and the State. Since the structures are not built to standards and are known to sink, it will fall on Towns and/or the state to remove them from the lakes when that happens. And because these structures are not registered, in some cases no one will know who located it on a lake, leaving the town without recourse to recover the cost of removal.

NWFS will almost certainly reduce the value of adjacent shoreland property, and thereby reduce the tax base of town. Any shoreland property with a NWFS sitting in front of it will have a significantly reduced appraised value.

Finally, NWFS are likely to increase conflicts with shoreland owners and fishermen. Such confrontations between shoreland owners and NWFS have already occurred, and will increase if NWFS are not controlled. Along with impacts on property values, noise, air, and light pollution from NWFS generators that provide electricity dramatically reduce the quality of life for adjacent property owners. Conflicts between homeowners who are contributing tens of thousands of dollars in property tax and NWFS that are contributing nothing are bound to occur. The state and towns may be drawn into such lawsuits.

For all the above reasons, I strongly urge enactment of LD 1763.