



# HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002  
(207) 287-1400  
TTY: MAINE RELAY 711

**Allison Hepler**

417 Montsweag Rd.

Woolwich, ME 04579

Phone: (207) 319-4396

[Allison.Hepler@legislature.maine.gov](mailto:Allison.Hepler@legislature.maine.gov)

April 30, 2025

*Testimony of Rep. Allison Hepler presenting*

## **LD 1763, An Act to Regulate Nonwater-dependent Floating Structures on Maine's Waters**

*Before the Joint Standing Committee on Inland Fisheries and Wildlife*

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Allison Hepler and I represent the towns of Arrowsic, Georgetown, Phippsburg, West Bath and Woolwich. I am here today to present **LD 1763, An Act to Regulate Nonwater-dependent Floating Structures on Maine's Waters.**

I appreciate the challenge of introducing LD 1763 today and working with this committee on the issue of floating structures or, as this bill defines it, "non-water-dependent floating structures." As you have heard, the scope of the problem stretches across at least four state agencies: Department of Environmental Protection (DEP); Department of Agriculture, Conservation and Forestry (ACF); Department of Inland Fisheries and Wildlife (IFW); and Department of Marine Resources (DMR), as well as numerous municipalities with waterfront properties, both coastal and inland. The number of floating structures has also increased throughout Maine's inland and coastal waters in recent years. As indicated in IFW's 2023 Floating Structure Report, these floating structures can interfere with fishing, fowling and navigation, cause increased congestion on the water, and become a source of pollution.

I first heard about it as a new member of this committee in 2021, when the Honorable Paul Stearns introduced LD 626 and raised a number of questions, using this example: "A couple purchases a cottage with prime frontage on a lake. One day they go onto their deck and find that someone has moored a 30' x 40' "structure" directly in front of their cottage, only 20' from the shore." He goes on to ask: What recourse does the property owner have? Who do they turn to, noting the "many areas of law crossing many departments of government."

The Honorable Jessica Fay also testified on that day, describing a number of "spats between neighbors" that towns did not know how to resolve. She pointed out that the days of "gentlemen's agreements" between lakefront owners about where to place a mooring are long gone with the high turnover of property ownership in many coastal towns: "It is exactly the right time to come up with a plan that will help Maine avoid some of the inevitable conflicts and safety issues that will come with this type of change."

Well, here we are, four years later. There is a plan, and that is LD 1763.

As we heard two days ago, overlapping and distinct concerns, as well as a patchwork of conflicting statutes and local ordinances exist across at least four agencies. I serve or have served on three of the legislative committees that provide oversight of these agencies.

- DEP regulates shoreland zoning, which allows functionally water-dependent structures within the shoreland zone.
- DEP also oversees Natural Resource Protection Act (NRPA) in organized towns (DACF's Land Use Planning Commission (LUPC) administers NRPA in the unorganized territories) for structures with a fixed location.
- IFW is responsible for the registration of motorboats and has always registered "unconventional" floating structures with attached motors.
- ACF has jurisdiction over submerged lands (Submerged Lands Program) by providing limited leases and easements for piers and wharves and ensures that they don't impede public access over state waters.
- ACF, through the Bureau of Parks and Lands, on certain Great Ponds, oversees launch sites and navigational aids, and prohibits any objects that might be a hazard to navigation beyond 200'.
- DMR, along with IFW, may regulate safety equipment for watercraft and declare watercraft off limits due to wildlife protection.
- While municipalities have some limited authority over coastal waters and Great Ponds under shoreland zoning, and some towns have harbor masters who can create ordinances for mooring fields and anchorages, overall, towns have limited capacity to enforce regulations and prohibitions with regard to floating structures, especially if they can move to the neighboring town to avoid stricter regulations.
- Law enforcement comes mainly from IFW's Game Wardens, and DMR's Marine Patrol. Local, state, and county law enforcement provide some limited protection.

In the face of this complexity, the state continues to experience a number of floating camps with ineffective or non-existent waste systems, which threaten our inland and coastal waters. These structures, which are sited on Maine's public waters, also block shoreline views. For the owners of our lakeside summer camps, it's a simple matter of fairness. Their camps are subject to regulations that floating structures are not subject to. Camp owners also pay property taxes.

I can tell you that as a selectperson in a small coastal town, we want some guidance.

The bigger point I want to make about these structures is that they are on coastal and inland waters, which belong to all of us. The rights of the public to use Maine's public waters and its submerged lands are known today as Public Trust Rights. These publicly owned waters include: coastal and tidal waters, Great Ponds, non-tidal rivers, and all water over publicly owned submerged lands.

The working group found that floating homes and other floating structures are neither defined or regulated, and that no single agency has regulatory authority, and no single existing statute or rule covers all scenarios. In the end, the preferred solution was the bill you have before you, which defines and bars nonwater-dependent floating structures by prohibiting their registration by IFW as a watercraft. As a result, they would not be allowed on Maine's coastal or inland waters.

What does this mean?

This bill defines nonwater-dependent floating structures and also creates some new definitions for a variety of watercraft, some of which could be registered as a “watercraft.” Definitions in the bill are identified in the multiple areas of statute in order to give authority to the various agencies that will encounter nonwater-dependent floating structures.

The Department plans to walk you through the bill, so I won’t do that, but I wanted to identify a couple of the new definitions.

First, the bill defines a “houseboat,” sometimes called a “true houseboat.” Among other criteria, a houseboat must have a means of propulsion, and be constructed “primarily for navigation purposes, with any included housing accommodations as a secondary purpose.” Importantly, houseboats have an assigned hull identification number (HIN).

The bill also defines and establishes criteria for “homemade watercraft,” and may include a pontoon boat, sail boat, airboat and inflatable watercraft. However, in order to receive a hull identification number, a homemade watercraft must be “capable of being used as a means of transportation on water” and meet a number of criteria that begins at the top of page three, lines one through 12. This includes navigation capability and equipment, flotation and stability, and suitable safety requirements. And it must also be approved by a “qualified marine surveyor.”

What is a “nonwater-dependent floating structure”?

A floating home is defined as a structure that is “not designed for navigation as its primary purpose” nor is it capable of self-propulsion. This means that it can function in a place “other than on the surface waters of the State” and does not need to be on the water to fulfill their primary purpose. Under LD 1763, these would be prohibited “in, on, or over inland waters or coastal waters.”

Importantly, the bill identifies a number of structures and facilities that are exempted, including functionally water-dependent uses, swimming structures, water toys, ice-fishing shacks, and aquaculture facilities.

Finally, how should we deal with existing structures that would no longer be permitted should this bill pass? In this bill, any sort of grandfathering is authorized in rule-making. I suggest that a date be included in statute since that will be quicker and more clear. My suggestion is June 1, 2025.

LD 1763 is the result of several years of discussion, debate, research, and data collection, and I am proud to present and support this work. Let’s give our state agencies and our municipalities the tools they need to clarify and deal with this issue before it becomes a crisis. Mainers are counting on us.

Thanks for your time. I’m happy to answer any questions that I can, but you may have noticed there are many in the room with specific experience that is pertinent.