



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

**TESTIMONY OF
ROB WOOD, DIRECTOR, BUREAU OF LAND RESOURCES
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SPEAKING IN SUPPORT OF L.D. 1763

**AN ACT TO REGULATE NONWATER-DEPENDENT FLOATING STRUCTURES ON
MAINE'S WATERS**

PRESENTED BY REP. HEPLER

**BEFORE THE JOINT STANDING COMMITTEE
ON
INLAND FISHERIES AND WILDLIFE**

DATE OF HEARING:

APRIL 30, 2025

Senator Baldacci, Representative Roberts, and members of the Committee, my name is Rob Wood and I am the Director of the Bureau of Land Resources at the Department of Environmental Protection (DEP). I am speaking in support of L.D. 1763.

The DEP regulates structures in, on, over, and adjacent to lakes, coastal waters, and other waterbodies and waterways under the Natural Resources Protection Act (NRPA). We also oversee implementation of the Mandatory Shoreland Zoning Act (Shoreland Zoning), which requires municipalities to adopt ordinances regulating activities within 250 feet of the shoreline of many waterbodies (and within 75 feet of a stream). In general, under these laws, nonwater-dependent structures are not permitted to be built in or immediately adjacent to a waterbody (with some exceptions). However, there are

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important gaps in these laws that would be addressed by L.D. 1763. NRPA does not regulate temporary structures that exist for seven months or less in a calendar year, so any seasonal floating structure is not regulated by NRPA. Shoreland Zoning does regulate temporary structures, but jurisdiction ends 250 feet on either side of the shoreline. More importantly, neither NRPA nor Shoreland Zoning regulate watercraft. DEP staff have seen many instances of floating homes whose owners have installed outboard motors and registered the structures as watercraft, which allows the structure to avoid regulation under NRPA and Shoreland Zoning. L.D. 1763 would close these loopholes and explicitly prohibit the placement of nonwater-dependent floating structures on Maine's inland and coastal waters. This approach will provide clarity to the public and to state agencies charged with protecting Maine's natural resources, and, put simply, it will ensure that nonwater-dependent structures are not placed on the water.

The DEP requests one minor revision to the bill. In the rulemaking provision of section 14 (proposed Title 38, section 3306), the DEP would appreciate being added as a consulting agency.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.