

Testimony in SUPPORT of LD 1763, An Act to Regulate Non-water-dependent Floating Structures on Maine's Waters

Submitted to the Inland Fisheries and Wildlife Committee

April 30, 2025



Good afternoon, Chair Baldacci, Chair Roberts, and distinguished members of the Inland Fisheries and Wildlife Committee.

My name is Susan Gallo, and I am the Executive Director of Maine Lakes. Our membership organization includes more than 6,000 supporters, followers, and volunteers, including thousands of members who belong to our 95 member Lake Associations. We are dedicated to our mission of promoting, protecting, and enhancing lake water quality and habitat, and of preserving the ecological, economic, recreational, and aesthetic benefits of Maine's lakes for everyone.

Thank you for the opportunity to appear before you today to speak in support of LD 1763.

LD 1763 will protect lake health by prohibiting non-water-dependent floating structures (NWFS) on inland and coastal waters. NWFS are defined as waterborne structures supported wholly or in part by their own buoyancy that can function in a location other than the surface waters of the State and that do not require, for their primary purpose, water or direct water access. NWFS are not considered capable of safe and practicable navigation. Since pictures are worth a thousand words, two examples of NWFS from the 2023 Floating Structure Report are included below.



LD 1763 includes exceptions for functionally water-dependent uses, such as swimming structures, water toys, ice fishing shacks and aquaculture facilities. The bill also clarifies standards for houseboats, which differ from NWFS in their design for navigation as a primary purpose, including sanitation, safety and navigation requirements. The bill includes a provision for rulemaking to further refine exceptions and clarifications.

Maine Lakes would like the committee to also consider the potential risks and impacts to lake ecology and to fish and wildlife habitat posed if the number and geographic range of NWFS on Maine's lakes grows:

- Littoral (shallow water near shore) habitat is essential for Maine's sportfish, providing important feeding and breeding areas. NWFS moored in shallow waters may damage these fragile aquatic habitats, altering fish habitat by shading out plant growth that is essential for feeding and reproduction. They may also change water temperatures and dissolved oxygen levels, impacting fish and other aquatic life.
- Sewage and human waste in Maine's Great Ponds, as well as greywater, pose a risk to public health, water quality, and wildlife. The risks posed by NWFS either leaking sewage (with substandard plumbing) or discharging waste or greywater directly into lakes are high and are not acceptable on our publicly owned Great Ponds. Assuring houseboats meet standards for waste management is an essential piece of LD 1763.
- Equitable access to our public waterways is an essential right. While one or two NWFS on a lake may not feel like a big deal, with no restrictions currently in place, the scale and range of NWFS will continue to grow, creating the potential for growing issues over access, further lake quality degradation, and impacts to our outdoor industries.
- Stress and tension have grown among towns as some towns have created ordinances prohibiting NWFS, resulting in shifts of NWFS to parts of lakes in neighboring towns. A uniform state regulation will lessen the burden on towns and a potential piece-meal approach that is confusing, while also providing equitable lake protection across the state.
- LD 1763 includes a provision for rulemaking around additional exceptions and clarifications, which we believe will be very important given the complexity of the bill and the challenge in more clearly defining NWFS.

Maine's Great Ponds (lakes over 10 acres in size) are held in the public trust, owned by the people of Maine, and our state constitution has enshrined our rights to fish, fowl, and navigate those waters. Just like we are not allowed to build and rent out a home on public land, even if we own nearby property, moored floating homes on our Great Ponds run afoul of our Public Trust Rights. Great Ponds are public waterways that should be free from moored housing structures not intended primarily for navigation.

LD 1763 seeks to remedy the growing problem of NWFS in Maine's waters. LD 1763 is the result of extensive discussions and investigations by a working group composed of 18 agency staff and stakeholders who were tasked with reviewing state law and making recommendations for how to regulate floating structures. The working group cites the growing number of complaints about NWFS, the confusing and sometimes conflicting regulatory structure, the infringement of Public Trust Rights, and navigation and safety issues as primary drivers for tackling regulation of NWFS. I would urge every committee member to read the Floating Structure Report released by the working group in November 2023 to understand the scope of the working group's review.

The working group's preferred approach prohibiting NWFS on Maine's waters, while providing exceptions and creating standards for true "houseboats" is the essence of LD 1763.

LD 1763 is the result of years of hard work by working group members, agency staff, and bill sponsors. I urge you to support this important bill and am happy to answer any questions you might have.