

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

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

IN SUPPORT OF L.D. 2023

**“Resolve, to Establish a Working Group to Identify Ways to
Manage Moorings on Inland Waters”**

SPONSORED BY: Representative DILL of Old Town.

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Jason Luce, Lt. Game Warden speaking on behalf of the Department of Inland Fisheries and Wildlife, in support of L.D. 2023 a Resolve, to Establish a Working Group to Identify Ways to Manage Moorings on Inland Waters.

This resolve directs the Commissioner of IFW to establish a working group focused on identifying issues and solutions related to moorings on inland waters. The commissioner is directed to report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by November 4, 2026, with the findings and conclusions of the working group, including any recommended legislation. The joint standing committee is authorized to submit a bill related to the report to the 133rd Legislature in 2027.

In 2024 there was a multi-agency bill submitted to address nonwater dependent floating structures. The original idea was to address mooring related issues in addition to floating camps and other floating structures, but it seemed too broad and complex a task, so IFW and DACF decided to wait for another session and submit a separate bill proposal with a focus of just mooring laws, this is the bill before you.

Many of Maine's lakes and ponds are experiencing overcrowding from moorings and attached objects along the shorelines, preventing ease of navigation and fishing. Moorings are sometimes placed in an area that violates current law by being located outside the water safety zone or in a navigational route. General law allows moorings to be placed within the first 200 feet of shore, regardless of whether you own shorefront property or not (exceptions apply when a mooring ordinance is in place). The state agencies are committed to upholding the Public Trust Doctrine that creates a balance between public and private rights. While landowners may own adjacent property, their rights are limited by the public's established right to use the water and the submerged lands for recognized public trust purposes of fishing, fowling, navigation and some recreational uses.

Some recreational users as well as business owners have continually exceeded the distances at which moorings are placed. Warden service has attempted to gain compliance and often the judicial branch is unsupportive of our agencies' desire to enforce the violations.

These issues are complicated by what entity has authority to manage and enforce moorings. Law allows a municipality to create a mooring ordinance if they have a trained harbor master in place. Many towns do not want this expense or responsibility. Sometimes a waterbody is located in multiple towns, and not all towns have a consistent mooring ordinance or have one at all. Some mooring ordinances have been

written in a manner that exceeds the municipalities' authority in various ways. Most towns want to comply with the law but do not have a preferred ordinance template to mirror. In locations where there is no municipal ordinance, enforcement of moorings falls on the state to educate the public and enforce the laws.

Current laws related to moorings were originally intended to address coastal waters and eventually inland waters were added. That seemed to be a quick fix that created ambiguous language making it difficult to interpret the intent on inland waters. We believe the inland mooring laws need distinction from the coastal mooring laws.

This bill was proposed after lengthy discussions between IFW and DACF staff on this topic. Both DACF and IFW have within their respective statutes, laws related to moorings and harbor masters. The agencies are committed to leading a working group with interested parties. Our intent is to discuss alternative mechanisms to address the overcrowding, look at where the authority to regulate is most appropriate and learn about how other states address mooring laws. Our hope is that when the report back is provided the working group will have some thoughtful proposals that if implemented would provide towns and state agencies with clear authority and guidelines on enforcement.