

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE
IN OPPOSITION TO L.D. 22**

LD TITLE: “An Act To Require Removal of Mooring Equipment”

SPONSORED BY: Representative SHAW of Standish

CO-SPONSORED BY: Senator GERZOFKY of Cumberland

Representative ESPLING of New Gloucester

DATE OF HEARING: February 3, 2015

Good afternoon Senator Davis, Representative Shaw and members of the Inland Fisheries and Wildlife Committee. I am Colonel Joel Wilkinson of the Maine Warden Service, representing the Maine Department of Inland Fisheries and Wildlife, speaking in opposition to L.D. 22.

Under current law, mooring sites are governed by Title 38, Chapter 1: Operation of Vessels, Subchapter 1: Harbor Masters. Currently, there is no requirement to remove moorings prior to ice in each year unless a town has enacted a municipal ordinance requiring owners to do so. One example of this type of ordinance exists in the town of Harrison. The town has passed a mooring regulation ordinance enforced by the town’s harbor master. This ordinance requires owners to remove moorings prior to December 1st each year.

Under current law there is no requirement for moorings to be marked with the owner’s information unless required to do so by ordinance. The town of Harrison’s mooring regulations ordinance requires property owners to apply for mooring permits, and requires that all permitted moorings be labeled with the issued permit number. Without a state statute requiring the labeling of moorings in waters not governed by mooring ordinances, it would be virtually impossible to establish ownership of the mooring after December 1st, unless a watercraft was attached to it. Tracking moorings throughout the summer months to establish ownership to subsequently enforce the December 1st removal date, would demand a substantial increase in staff time for any agency assigned to tracking moorings on the thousands of lakes and ponds within the State of Maine. Allowing local regulation within the jurisdiction of a municipal harbor master, as some municipalities are already doing, seems to be the best working solution.

Additionally, the Department of Agriculture Conservation and Forestry’s (Boating Facilities Division) has serious concerns about this bill if the definition of mooring equipment is interpreted to include navigational aids. This definition would mean an incredible increase in workload to administer the program. A representative from DACF can be available at the work session if there are additional questions about their program and involvement regarding navigational aids.

In closing, I would offer that Title 12, Section 10205 requires that any new program or service involving mandated responsibility to the department must include provisions that specify that full funding for the new program or service is collected from those individuals who receive the service from the department. I would be happy to answer any questions you have at this time.