



Report Back

On Public Law 2025 Chapter 378 (LD 1763)

An Act to Regulate Nonwater-dependent Floating Structures on Maine's Waters

Provided to: The Joint Standing Committee on Inland Fisheries & Wildlife during the 2nd Session of the 132nd Legislature

Provided by: Inland Fisheries & Wildlife

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Required Report Back to the Legislature

PUBLIC LAW 2025 CHAPTER 378 - (LD 1763) **An Act to Regulate Nonwater-dependent Floating Structures on Maine's Waters** Report. MDIFW shall submit, no later than February 1, 2026, a report to the Joint Standing Committee on Inland Fisheries and Wildlife **with updated information on nonwater-dependent floating structures in the State and the implementation of this Act**. The report may include recommendations for statutory changes. The committee may report out a bill based on the report to the Second Regular Session of the 132nd Legislature.

Overview of PLC 378

This law implemented a prohibition on the placement and use of a nonwater-dependent floating structure on internal waters of the State. As defined in the law, "nonwater-dependent floating structure" means a waterborne structure that is supported wholly or partially by the structure's own buoyancy and that supports a nonwater-dependent use. "Nonwater-dependent uses" are defined as those uses that can function in a location other than the surface waters of the State and that do not require, for their primary purpose, location on submerged lands or direct access to internal waters. The prohibition includes exceptions for functionally water-dependent uses, swimming structures, water toys, ice fishing shacks, aquaculture facilities, authorized nonwater-dependent floating structures, preexisting nonwater-dependent floating structures and other facilities and structures that could be exempted through agency rulemaking. Criteria for authorized and preexisting nonwater-dependent floating structures were created. The law also established penalties for violating the prohibition on nonwater-dependent floating structures. Finally, the law directed the Department of Inland Fisheries and Wildlife (MDIFW) to, by February 1, 2026, submit a report to the Joint Standing Committee on Inland Fisheries and Wildlife with updated information on nonwater-dependent floating structures in the State and the implementation of this legislation. The law included allowance for existing structures to continue to be used through a lease program managed by the Submerged Lands Program under the Department of Agriculture, Conservation and Forestry (SLP/DACF) along with detailed information regarding the application requirements, its process and the renewal process. The law also clarified the regulation of houseboats and homemade watercraft under the laws regulating watercraft.

Implementation of the Law

On July 16, 2025, comprehensive training was conducted for agency staff who would need to be involved in the implementation of this law. The training was given by and to the MDIFW staff, the Department of Marine Resources (DMR) staff and the Submerged Lands Program (SLP) staff.

New Law Staff Training Goals Were To

- Understand the history of how this law came to fruition;
- Learn about the nonwater dependent floating structure (NWFS) prohibition;
- Be able to inspect questionable watercraft and floating structures;
- Have knowledge of who to contact and what their role is in this process;
- Be able to identify when a structure has been registered as a motorboat, learn what would be questionable and what the process is to determine that it is a NWFS or can continue to be registered as a motorboat;

- Understand how an owner of an NWFS can obtain a lease to continue existing on the water; and
- Understand MDIFW's licensing role in having a comprehensive review of approximately 200 motorboats that have been registered since 2018 in the categories of "houseboat", "cabin" or "other" and the notification process. This was necessary to make them aware that they must comply with the new standards or remove their NWFS off the water.

MDIFW's Role

- Provided background on the law;
- Explained how to identify what a NWFS is i.e. the difference between a NWFS and a homemade watercraft or a true houseboat;
- Explained how to conduct an inspection of a possible NWFS;
- Reviewed the NWFS examples, photos and scenarios;
- Provided a general overview of the application for the HIN process for reference;
- Discussed how the agencies identified the watercraft that would require inspection;
- Reviewed the letter and the inspection form that MDIFW staff created; and
- Provided an overview of the inspection process which included:
 - A list of watercraft identified;
 - Notification letters were sent;
 - Inspections scheduled;
 - Inspections completed;
 - If it was determined to be a true motorboat, then a renewal of the motorboat registration could occur; and
 - If it is determined to be a NWFS, the owner must apply for a lease from SLP.

Submerged Lands Program Role & Related Law

- SLP is the agency processing lease applications for NWFS;
- A lease application must be submitted to SLP by 1/1/26;
- A \$500.00 application fee must be included with the application;
- The application must include a photo of the structure, contact information, the intended use, and description of the structure;
- The SLP has a 30-day public comment period;
- The SLP must notify the abutting landowners and the town;
- The SLP will have preliminary findings;
- A 30-day reconsideration period is given;
- Final findings and decision along with the lease is issued;
- The lease renewal fee is to be paid annually;
- The average processing time is 60-90 days; and
- The lease has a 10-year term and may be renewed.

Lease Approval Criteria

The SLP staff studied the approval criteria established in law to prepare for reviewing lease applications. The criteria includes the following:

- The NWFS must have existed prior to January 1, 2025;
- The owner of the NWFS must have right, title and interest in the adjacent upland or the owner must have a permit from the United States Army Corp of Engineers;
- The owner must have an approved mooring adjacent to land they own;
- The NWFS must remain over the leased footprint;
- There must be a 25-foot setback from the littoral zone, and 50' from existing structures;
- In terms of waste from the NWFS, the owner must comply with Title 38 section 423 and 33 United States Code, Section 1322; and
- The NWFS must not unreasonably impact public trust rights of fishing, fowling and navigation.

MDIFW's Licensing Division Responsibilities

Over the past several months, the MDIFW Licensing team conducted extensive outreach to ensure compliance with the newly established prohibition on certain motorboat registrations. More than 200 certified letters were sent to motorboat owners whose motorboats were identified as potential NWFS. From this outreach, responses were received from approximately 55 customers, with only 7 ultimately confirmed as NWFS. Those individuals were directed to contact DACF for further guidance.

In addition to customer outreach, staff engaged in targeted training and stakeholder communication. On November 18, 2025, the team trained with the Maine Harbor Master's Association to review the prohibition and discuss enforcement considerations. MOSES Agents (MDIFW license agents who sell licenses and registrations at town offices and other retail locations) were also notified of the changes during the 2025 MOSES Agent training sessions. During 11 classes there were approximately 230 participants trained on this new law.

To support broader public awareness, the Information and Education Division distributed a memo via email to motorboat registrants and shared information on social media in early December, ensuring registrants would be informed about the new prohibition ahead of the upcoming boating season.

MDIFW's Warden Service Responsibilities

Maine Game Wardens were trained in the new law as it relates to NWFS present in Maine waters. They then trained the Game Wardens in their respective divisions. Maine Game Wardens were also told to document any NWFS that they observed and pass the information onto Lieutenant Jason Luce. A list of the structures was compiled.

As previously mentioned, MDIFW Licensing team had sent letters to all motorboat owners who had registered their motorboat in the past, within the category of "house boats", "cabin boats", or "other". There was no definitive way to determine if a motorboat registered was a NWFS, but these categories of motorboats were determined to be at higher risk of being a NWFS than other categories. Lieutenant Luce and licensing staff spoke with several people that received the letter and described the steps they needed to take to come into compliance with the law.

DMR's Marine Patrol Responsibilities

Staff from DMR (Colonel Matt Talbot, Major Rob Beal, Lieutenant Troy Dow, Lieutenant Dan White and Deirdre Gilbert, Director of State Marine Policy) attended the training organized by MDIFW in July 2025. Based on the known non-water dependent floating structures present in the coastal waters, Maine Marine Patrol contacted the respective owners of the structures and advised them of the opportunity to pursue a lease through the Submerged Lands Program via the letter developed by MDIFW.

Maine Marine Patrol was also aware of a floating home previously sited in Rockland Harbor, however that structure recently sunk and was removed by the Department of Environmental Protection. Maine Marine Patrol did not make direct contact with Front Street Shipyard in Belfast, but DMR had confirmed that the owner had been in communication with the SLP to pursue a lease, as mentioned above.

No additional floating structures were identified by Marine Patrol Officers subsequent to the passage of LD 1763.

Submerged Lands Program Responsibilities & NWFS Statistics

This program will manage all lease applications related to this new law:

As of the date of this report, SLP has accepted eight NWFS applications from six applicants and those include:

1. Kent Ackley, Annabessacook Lake floating camp rental;
2. Steely Ann, LLC at Front Street Shipyard, Belfast;
3. Pineapple Express Charters, floating sauna in Kennebunkport;
4. Derektor Robinhood Marine Center, Georgetown, three separate applications for their floating rental units;
5. The owner of Camp Wohelo, Mark Van Winkle; and
6. Erik Scott, antique NWFS on Damariscotta River, South Bristol (formerly of Camden/Rockport, Walpole).

None of the eight lease applications have been processed as of this date. SLP has also had telephone or email communication with five other parties to discuss their NWFS. These include:

1. Abe Wilmot who owns a floating gazebo;
2. The owner of a floating camp in North Haven;
3. The owner of a floating camp in Brooksville
4. The owner of a bait shed in North Haven (this structure was determined to be water-dependent and exempt from the new law); and
5. An abandoned floating camp at a winter slip in Kittery.

Finally, SLP fielded several calls from motorboat owners regarding the MDIFW letter they received notifying them that their motorboat had a registration categorized as "homemade" and that they must verify the watercraft's construction with MDIFW to continue receiving MDIFW motorboat registration stickers. SLP also spoke with three NWFS owners over the phone, but they would not divulge their names or provide the location of the structures.

NWFS Known by Agencies as of January 2026

- 23 total structures
 - 12 known inland structures currently (there were 12 but 1 was removed from Green Lake in 2024)
 - 11 known coastal structures
 - 8 of 23 are thought to be for commercial use vs. personal use
 - 1 non-profit structure
 - No known NWFS are located in the Unorganized Territory

List of NWFS that the state is aware of including the location:

The following NWFS have been observed on Great Ponds (GP):

1. Sebec Lake Floating Camp (personal/GP)
2. Kent Ackley's Floating Rental Camp, submitted application for SLP lease (commercial use/GP)
Submitted lease application.
3. Hermon Pond Camper on a Float (unknown use/GP)
4. Litchfield Floating Camp (unknown which pond) (unknown use/GP)
5. Dipalma Rental Floating Camp on Moosehead Lake (commercial use/GP)
6. Floating Airbnb Yurt on Lake Hebron, Monson (commercial use/GP)
7. Abe Wilmot who owns a floating gazebo (personal/GP)
8. Nickerson Lake in Linneus & New Limerick (personal/GP)
9. Wyman Lake (across from Carney Brook) in Moscow (personal/GP)
10. Long Lake in Naples (personal/GP)
11. Lower Wilson Pond (near the boat launch) in Greenville (personal/GP)
12. Sebago Lake, owned by Camp Wohelo, a children's summer camp and has been used for camp attendees since the early 1900s (nonprofit/GP) *Submitted lease application.*

The following NWFS have been observed on coastal waters:

13. Kennebunkport Floating Rental House owned by White Barn Inn (commercial use/coastal)
determination on whether this is a NWFS or a houseboat hasn't been made
14. DiMillo's, exempt and already under SLP lease (commercial use/coastal)
15. A floating home in Brooksville/Bucks Harbor (personal use/coastal)
16. Kennebunkport commercial floating sauna, Pineapple Express, (commercial use/coastal)
Submitted lease application.
17. Foy Brown's floating camp near North Haven (personal use/coastal)
18. Floating camp was abandoned in Kittery in Peperell Cove and a marina in Kittery took possession of it (unknown use since new owners took possession/coastal)
19. 1 housing unit named the Steely Ann at Front Street Shipyard in Belfast, (use unknown due to sale of marina/coastal) *Submitted lease application.*
20. Three units in Robinhood Cove (commercial use/coastal) *Submitted lease application.*
21. A floating camp in the Androscoggin River in Topsham (personal/coastal)

22. Adam Campbell 2 floating camps in Pulpit Harbor on North Haven (type of use unknown/coastal)
23. Antique NWFS on Damariscotta River, South Bristol (formerly in Camden/Rockport).
Submitted lease application.

Recommended Legislative Changes

- The agencies are suggesting two legislative changes to amend the law if the Committee is supportive. The first proposal identifies two terms used within Title 38 Chapter 37 that do not reflect the most appropriate definitions to utilize within this chapter. After implementing the new law, staff suggested that “internal waters” should be replaced with “waters of this state”, this being a term that will include both inland and territorial waters. The second suggestion is to replace the term “coastal waters” with “territorial waters” which is more in line with the intent of the law.
- The second proposal is put forth at the request of the United States Coast Guard (USC). They brought to IFW’s attention a preemption issue within the section that requires visibility from the helm of homemade watercraft. There is no requirement in 33 Code of Federal Regulations (CFR) 183 to have visibility from the helm. The suggestion was to refer to standards on visibility provided by the American Boat & Yacht Council H-1, Field of Vision from the Helm Position, in lieu of referencing a regulation (46 CFR 144.905) which is intended for towing of vessels.

Conclusion

The state agencies involved with this new law as well as the Maine Harbor Master’s Association attended comprehensive training. MDIFW Licensing staff created an inspection form, notified marine surveyors of this law change and sent letters to all motorboat registrants that were at higher risk of being a NWFS notifying them of the new law requirements.

SLP implemented a new lease application and procedure based on the law. Maine Warden Service and Maine Marine Patrol conducted direct outreach to known NWFS in their areas. A list of NWFS that are known by the state are provided within this report and they are categorized by either being located on a great pond or on the coast and by type of use, either commercial or personal. There have been 8 lease applications submitted to the SLP. We realize there may be more NWFS whose owners either are unaware of the new law, have not been contacted through avenues mentioned in this report or will not comply with the new law but we believe we have worked diligently to reach as many owners as possible.

There are two suggestions to amend the law, one to amend some terminology and the other to align with USCG regulations. The MDIFW Licensing staff will continue to work with Maine Warden Service and Maine Marine Patrol to address any suspected NWFS that are reported in the future.

Appendix I: Watercraft Inspection Letter

August 18, 2025

Dear Watercraft Registrant,

On September 24, 2025, a new law goes into effect changing the registration process for certain types of watercraft, and the regulation of certain floating structures on Maine's inland and coastal waters. Part of the law defines "homemade watercraft" and "houseboat" which are both types of watercraft. The law is also changing the process and requirements to obtain a "Hull Identification Number (H.I.N.)" which must be assigned to watercraft for the purpose of a motorboat registration. Additionally, this new law prohibits and with a few exceptions, regulates floating structures that may not meet the definition of a watercraft if the structure's primary purpose can be met off the water. Please see the attached summary of the law change.

According to our records, you have been assigned a H.I.N. for a watercraft that may no longer meet legal requirements and therefore may not be eligible for a motorboat registration in 2026. The Department of Inland Fisheries and Wildlife must confirm whether your watercraft is eligible for the 2026 renewal or not. Please submit a photo of your watercraft to MOSES.Support@maine.gov (with attention to Angie Dionne in the subject line) for review. If the photo does not provide sufficient detail to determine eligibility for renewal, you will be directed to contact a game warden to schedule an in-person inspection of your watercraft (contact information is provided at the bottom of the letter).

There are 3 possible outcomes of the inspection:

- If your watercraft meets the new legal definitions, no further action is necessary, and the motorboat registration may be renewed in 2026.
- If it doesn't meet the new legal definition of a watercraft, you may hire a marine surveyor to conduct an inspection. The marine surveyor can provide recommended changes that if made would qualify the watercraft to be used on the water and be registered as a motorboat. A list of marine surveyors in Maine is included.
- If it isn't dependent on the water for its primary use, it may be defined as a nonwater-dependent floating structure. Nonwater-dependent floating structures are prohibited except in certain instances. You may qualify for a lease from the Bureau of Parks and Lands, Submerged Lands Program to continue the use of your structure if: your structure was in existence as of 1/1/25, you have right, title or interest to the storefront to which the structure will be attached, and submit an **application for the lease to Submerged Lands no later than January 1, 2026**. If you have specific questions regarding eligibility for a submerged lands lease, please contact: John Noll, Submerged Lands Program Director at the Department of Agriculture, Conservation and Forestry at John.Noll@maine.gov or 207-287-4919.

This inspection can be scheduled with a warden lieutenant by calling the warden service office closest to you. Depending on the location of your watercraft, a marine patrol officer may conduct the inspection.

Warden Service Regional Headquarters

Division A – Gray.....(207) 287-2345
Division B – Sidney.....(207) 287-5300
Division C – Bangor.....(207) 941-4440
Division D – Greenville.....(207) 695-3756
Division E – Ashland.....(207) 435-3231

Thank you,

Angie Dionne
Director of Licensing and Registration
Department of Inland Fisheries and Wildlife
353 Water St., SHS 41
Augusta, ME 04333
angela.t.dionne@maine.gov

Appendix II: Marine Surveyor Inspection Letter

Marine Surveyor Homemade Structure or Watercraft Inspection Form

Instructions for Structure Owner (applicant): You are receiving this form because you are requesting a Hull Identification Number (H.I.N.) for your homemade structure which you have indicated is categorized as either "Cabin", "Houseboat" or "Other". Prior to a H.I.N. being assigned, all homemade structures that are designated as "Cabin", "Houseboat", or "Other" must be inspected by a marine surveyor and must meet the requirements listed below. Please contact your nearest regional headquarters (numbers listed below) for a marine surveyor near you.

Instructions for Marine Surveyor:

Please conduct an inspection of the structure to determine if it meets the requirements listed below. Complete the form by filling in all blanks and check off boxes that most appropriately clarify the type of structure.

Both parties must sign on the back of the form and send this completed form via email to: **MOSES.Support@maine.gov** or fax to **MDIFW Fax #: 207-287-8094**. For questions regarding this application please call MDIFW Licensing at: **207-287-8000**.

Applicant's Name: _____ Phone #: _____ Address: _____ _____	For a list of marine surveyors call the Maine Warden Service Regional Headquarters Ashland: 207-435-3231 Greenville: 207-695-3756 Bangor: 207-941-4440 Sidney: 207-547-5300 Gray: 207-287-2345
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Type of Watercraft	Hull	Engine Drive Type	Use of Watercraft	Propulsion Type
Cabin	Wood	Outboard	Pleasure	Air Thrust
Houseboat	Fiberglass	Inboard	Commercial Fish	Propeller
Other	Metal	Sterndrive	Commercial Passenger	Water Jet
	Aluminum	Pod Drive	Rent	Other
	Rubber / Vinyl	Other	Dealer / Manufactured	
	Other		Other	
	Plastic		Charter Fishing	
	Steel			

Meets all applicable safety requirements under 33 Code of Federal regulations Part 183.	____ YES ____ NO
Has a field of vision from the helm as prescribed in the standard set by the ABYC H-1-2019 (American Boat & Yacht Council).	____ YES ____ NO
Meets all applicable stability, weight capacity, horsepower capacity, passenger capacity, and navigation lighting requirements under 33 Code of Federal Regulations Part 183.	____ YES ____ NO
Is capable of navigation as defined within 12 MRSA §13001, sub-§17-A which means, with respect to a watercraft, the operation of the watercraft in a manner designed to avoid collisions on the water through adherence to rules of watercraft operation established by the department pursuant to chapter 935 and to applicable federal regulations.	____ YES ____ NO

Surveyor's Finding:

____ This structure has met all the requirements listed above and meets the definition of a watercraft, may be assigned a H.I.N. and the watercraft can be registered as a motorboat through MDIFW. **Watercraft is defined within MRSA 12 §13001, sub-§28** as any type of vessel, boat, canoe or houseboat, excluding a seaplane, capable of being used as a means of transportation on water that satisfies all applicable laws and rules pertaining to navigation and safety equipment on watercraft. "Watercraft" includes motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of the watercraft. "Watercraft" does not include a vessel, boat, canoe or houseboat located and intended to be permanently docked in one location and not used as a means of transportation on water.

____ The marine surveyor has determined that this structure does not meet the definition of a watercraft and is not eligible to be assigned a H.I.N. Further the applicant has been instructed that they may contact the Submerged Lands Program within the Bureau of Parks and Lands to determine if they are eligible to apply for a nonwater-dependent floating structure lease. Contact John Noll, Submerged Lands Program Director at: john.Noll@maine.gov / 207-287-4919.

Inspector's Name Printed

Date

Inspector's Signature

Date

Applicant's Signature

Date

By signing this form, I verify that this information is true and accurate. I further understand that making any false statements may be punishable as a Class D crime pursuant to M.R.S.A. 17-A, Section 453.

Appendix III: Jurisdiction & Authority Over NWFS

Inland Fisheries and Wildlife (MDIFW) and the Department of Marine Resources DMR regulate watercraft operations on the water. MDIFW administers the registration of motorboats. A smaller piece of this puzzle is that MDIFW has always registered floating structures when a motor is attached even if they don't appear to be a typical watercraft. MDIFW has made adjustments to its process/policy for the registration of motorboats by triggering an investigation and possible prohibition of registration of NWFS. Now that NWFS is defined, Warden Service and Marine Patrol can enforce this prohibition.

Submerged Lands Program (SLP) is administered by DACF and regulates submerged lands by providing limited use leases and easements to establish Right, Title, or Interest which allows privately owned piers, docks, and other structures to be built on or over publicly owned submerged lands. All proposed structures, to qualify for a lease or easement, must not impede access to or over state waters or have adverse impacts on the public trust rights of fishing, fowling, or navigation. SLP will now permit NWFS that existed as of 1/1/25. The SLP's authority is limited in that they use administrative enforcement to gain compliance hence the need for MWS and Marine Patrol to enforce the laws.

Land Use Planning Commission (LUPC) is a Bureau within DACF and is the planning, zoning, and permitting authority for all the unorganized territories (UT) in Maine which comprises nearly half of the State, including the waterbodies within the UT. The zoning in the UT does not allow residential uses in water bodies or zoned wetlands. LUPC's authority is limited in that they use an administrative enforcement, multi-step approach to gain compliance. They have no knowledge of any structure that might be prohibited under this law in the UT currently.

The Boating Facilities Division (BFD) of the Bureau of Parks and Lands, under the jurisdiction of DACF, manages many state-owned boat launch sites and oversees the placement of aids to navigation on certain Great Ponds throughout Maine. The BFD rules prohibit the placement of any object that may be considered a hazard to navigation beyond the Water Safety Zone (200 feet from any shore). Whenever an object must be anchored or moored beyond the Water Safety Zone, BFD may require special lighting. Swim area buoys and other temporary buoys may also be limited by BFD's permitting requirements. BFD does not regulate the surface use of Maine's waters and relies on the Warden Service, along with state and local law enforcement, to enforce existing BFD rules.

The Natural Resource Protection Act (NRPA) Laws are administered by DEP within organized towns and administered by DACF's Land Use Planning Commission (LUPC) within unorganized territories. The law only regulates permanent structures which are defined in statute and in part means: "a structure with a fixed location or that is attached to a structure with a fixed location for a period exceeding 7 months within any 12-month period". After 7 months, an evaluation for permitting would be required. Therefore, an NWFS in the water for less than 7 months prior to this law going into effect would not be regulated under NRPA, but conversely, if it were in the water for more than 7 months, a NRPA permit would be required. This new law closes the loophole that the NRPA law had created.

The Mandatory Shoreland Zoning Act is administered by the DEP and requires municipalities to adopt a Shoreland Zoning ordinance that meets the DEP's Ch. 1000 minimum guidelines. The "Shoreland zone" is the normal high-water line of a water body. Uses that are not "functionally water-dependent use" must meet applicable setbacks. "Functionally water-dependent use" means in part, those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or

location in, coastal or inland waters and that cannot be located away from these waters. There was no definition of a non-water-dependent floating structure in the Act or the DEP's Ch. 1000 guidelines, until this new law so there had been some gray area in the way in which these structures were treated under Shoreland Zoning.

Municipalities have the option to create a mooring ordinance regulating moorings on lakes within their jurisdiction. Until this law an unresolved question was whether a municipality could regulate types of floating structures such as NWFS through mooring placements. Now it is state law so no ordinance would be necessary.

Possible Legislative Proposals:

CHAPTER 37

NONWATER-DEPENDENT FLOATING STRUCTURES

§3301. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2025, c. 378, §12 (NEW).]

1. Abandoned nonwater-dependent floating structure. "Abandoned nonwater-dependent floating structure" means a nonwater-dependent floating structure that has been left in, on or over **internal waters of this state** for more than 24 hours without intention of removal by the owner, as determined by the primary enforcement authority.

[PL 2025, c. 378, §12 (NEW).]

2. Coastal waters. **"Coastal waters"** has the same meaning as in section 542, subsection 3-A. [PL 2025, c. 378, §12 (NEW).]

3. Dock. "Dock" has the same meaning as in Title 33, section 459, subsection 1, paragraph A. [PL 2025, c. 378, §12 (NEW).]

4. Floating home. "Floating home" means a nonwater-dependent floating structure that is designed or has been substantially and structurally remodeled or redesigned to serve primarily as a residence and that is not a watercraft. "Floating home" includes, but is not limited to:

- A. A floating house, floating camp or house barge; and [PL 2025, c. 378, §12 (NEW).]
- B. Any other floating structure used primarily as a residence that is not designed for navigation as its primary purpose and is not capable of self-propulsion or use as a means of transportation on water. [PL 2025, c. 378, §12 (NEW).]

5. Functionally water-dependent uses. "Functionally water-dependent uses" has the same meaning as in section 436-A, subsection 6. [PL 2025, c. 378, §12 (NEW).]

6. Houseboat. "Houseboat" has the same meaning as in Title 12, section 13001, subsection 12-B. [PL 2025, c. 378, §12 (NEW).]

7. Inland waters. "Inland waters" has the same meaning as in Title 12, section 10001, subsection 35. [PL 2025, c. 378, §12 (NEW).]

8. Internal waters. **"Internal waters"** has the same meaning as in Title 12, section 13001, subsection 13. [PL 2025, c. 378, §12 (NEW).]

9. Mooring. "Mooring" has the same meaning as in section 480-B, subsection 5-A. [PL 2025, c. 378, §12 (NEW).]

10. Nonwater-dependent floating structure. "Nonwater-dependent floating structure" means a waterborne structure that is supported wholly or partially by the structure's own buoyancy and that supports a nonwater-dependent use, including a floating home.

[PL 2025, c. 378, §12 (NEW).]

11. Nonwater-dependent uses. "Nonwater-dependent uses" means those uses that can function in a location other than on the surface waters of ~~the this~~ State and that do not require, for their primary purpose, location on submerged lands or direct access to inland waters or ~~coastal territorial~~ waters. [PL 2025, c. 378, §12 (NEW).]

11-A. Territorial Waters. "Territorial Waters" has the same meaning as in Title 12, section 6001 subsection 48-B.

12. Watercraft. "Watercraft" has the same meaning as in Title 12, section 13001, subsection 28.

13. Waters of this State. "Waters of this State" has the same meaning as in Title 12, section 13001, subsection 30.

[PL 2025, c. 378, §12 (NEW).] SECTION HISTORY PL 2025, c. 378, §12 (NEW).

§3302. Prohibition on nonwater-dependent floating structures

Except as otherwise provided in this chapter, a person may not place or use a nonwater-dependent floating structure in, on or over ~~internal~~ waters of this state. [PL 2025, c. 378, §12 (NEW).] SECTION HISTORY PL 2025, c. 378, §12 (NEW).

§3303. Exceptions

The following facilities and structures are not subject to the prohibition in section 3302: [PL 2025, c. 378, §12 (NEW).]

1. Functionally water-dependent uses. Any facility or structure, the primary purpose of which is a functionally water-dependent use; [PL 2025, c. 378, §12 (NEW).]

2. Swimming structures. Any dock, wharf or swimming and diving float that is used as a floating structure for swimming or diving or for the temporary tie-off of watercraft, is placed on ~~internal~~ waters of ~~the this~~ State and is temporarily or permanently anchored to the bottom of those waters; [PL 2025, c. 378, §12 (NEW).]

3. Water toys. Any floating water toy, including, but not limited to, air mattresses, pool toys, floating noodles, swim rings, water mats and inflatable platforms smaller than 250 square feet in surface area;

[PL 2025, c. 378, §12 (NEW).]

4. Ice fishing shacks. Any ice fishing shack described in Title 12, section 6523 or 12661; [PL 2025, c. 378, §12 (NEW).]

5. Aquaculture facilities. Any aquaculture facility for which the owner or operator has obtained a lease from the Commissioner of Marine Resources pursuant to Title 12, section 6072, 6072-A or 6072-B; [PL 2025, c. 378, §12 (NEW).]

6. Authorized nonwater-dependent floating structure. Any nonwater-dependent floating structure that has been approved for use as authorized under section 3304; [PL 2025, c. 378, §12 (NEW).]

7. Preexisting nonwater-dependent floating structures with preexisting leases. Any nonwater-dependent floating structure that existed prior to January 1, 2025 that is sited pursuant to a lease issued by the submerged lands leasing program, established pursuant to Title 12, section 1862, subsection 2, prior to January 1, 2025; and

[PL 2025, c. 378, §12 (NEW).]

8. Other facilities and structures. Any other facility or structure exempted from the prohibition under section 3302 by rule adopted pursuant to section 3307.

[PL 2025, c. 378, §12 (NEW).]

SECTION HISTORY PL 2025, c. 378, §12 (NEW).

§3304. Provisions for continued use of authorized nonwater-dependent floating structures

1. Eligibility. Notwithstanding any provision of law to the contrary, the owner of a nonwater-dependent floating structure that was in existence as of January 1, 2025 may make application to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, referred to in this section as "the bureau," through the submerged lands leasing program established pursuant to Title 12, section 1862 for a nonwater-dependent floating structure lease on the **internal** waters of **the this** State that authorizes the owner to continue to operate the nonwater-dependent floating structure in accordance with the requirements of this section when the following applies:

- A. The applicant holds right, title or interest to the shoreline to which the nonwater-dependent floating structure is attached; or [PL 2025, c. 378, §12 (NEW).]
- B. If the nonwater-dependent floating structure is not attached to the shore, the applicant has right, title or interest to the adjacent upland shoreline and holds an approved mooring from the United States Army Corps of Engineers or the municipality in which the structure is located. [PL 2025, c. 378, §12 (NEW).]

[PL 2025, c. 378, §12 (NEW).]

2. Application requirements. To be eligible for consideration for a lease to authorize continued use under this section, an individual or entity must:

- A. Submit by January 1, 2026 an application on forms provided by the bureau; [PL 2025, c. 378, §12 (NEW).]
- B. Provide proof of right, title or interest to the shoreline to which the nonwater-dependent floating structure will be attached or, if the structure is not attached to the shore, proof of right, title or interest to the adjacent upland shoreline and an approved mooring from the United States Army Corps of Engineers or the municipality in which the structure is located; [PL 2025, c. 378, §12 (NEW).]
- C. Provide the names of abutting property owners; [PL 2025, c. 378, §12 (NEW).]
- D. Provide the location, intended use, square footage and photo documentation of the existing nonwater-dependent floating structure; and [PL 2025, c. 378, §12 (NEW).]
- E. Submit an application fee of \$500. [PL 2025, c. 378, §12 (NEW).]

[PL 2025, c. 378, §12 (NEW).]

3. Bureau procedures. The bureau may take the following actions with respect to an application under this section.

- A. The bureau may request additional information from the applicant, government agencies or other parties when necessary to complete its review of an application and make a decision. [PL 2025, c. 378, §12 (NEW).]

B. The bureau shall notify interested parties of receipt of a completed application. As determined by the bureau on a case-by-case basis, interested parties may include, but are not limited to, abutting landowners, landowners with overlapping littoral zones, local municipal officials, harbor masters or others engaged in commercial marine activities or who have notified the bureau of their interest in a particular project. Interested parties must be given 30 days to provide the bureau with comments on a completed application. [PL 2025, c. 378, §12 (NEW).]

C. If the bureau determines that a letter of no objection is required from one or more littoral abutters, the bureau shall send notice to the abutters and the applicant. [PL 2025, c. 378, §12 (NEW).]

D. The bureau or its designee may conduct inspections of the proposed project site in order to assess on-site conditions, the characteristics and uses of adjacent lands, waters and structures and potential impacts on existing trusts. [PL 2025, c. 378, §12 (NEW).]

E. After the initial 30-day review period under paragraph B, if the bureau determines that it is appropriate, additional information may be requested from the applicant or other parties or a public informational meeting may be scheduled in order to allow the general public to provide additional information for consideration. [PL 2025, c. 378, §12 (NEW).]

F. Once all requested information is received and any public meetings under paragraph E have been concluded, the bureau shall issue preliminary findings. Preliminary findings must be sent to the applicant and all parties who provided comments during the initial review period and other interested parties. [PL 2025, c. 378, §12 (NEW).]

G. Within 30 days of the issuance of preliminary findings under paragraph F, any party may petition the bureau director to reconsider such findings by written request. The bureau director may waive the reconsideration period if no comments are received during the initial review period or if the comments that are received are determined to not be related to public trust rights. [PL 2025, c. 378, §12 (NEW).]

H. The bureau shall review any petitions for reconsideration under paragraph G and related information and issue its final findings and decision. If the decision is to approve the application, 2 original copies of the lease must be sent to the applicant for signature. [PL 2025, c. 378, §12 (NEW).]

[PL 2025, c. 378, §12 (NEW).]

4. Bureau determination. In making its determination with respect to an application under this section, the bureau shall consider the following:

A. Whether the applicant has demonstrated that the applicant has sufficient right, title or interest to the upland property, including intertidal land, adjacent to the littoral zone in which the nonwater-dependent floating structure lease is sought. To demonstrate right, title or interest, an applicant must provide:

- (1) When the applicant owns the property, a copy of the deed to the property;
- (2) When the applicant has a lease on the property, a copy of the lease. The lease must be of sufficient duration and terms, as determined by the bureau, to permit reasonable use of the facility; and
- (3) When the applicant has an option to buy or lease the property, a copy of the option agreement. The option agreement must contain terms considered sufficient by the bureau to establish future title or a leasehold of sufficient duration; [PL 2025, c. 378, §12 (NEW).]

B. Whether littoral zones and setback standards delineate the lease area adjacent to the applicant's upland property and establish adequate separation between structures for navigation and access both for the public and riparian owners. Littoral zones do not delineate areas for the exclusive use of the applicant or other riparian owners. Littoral zone boundaries are established by right angle projections from a baseline established along the shoreline at the intersection of the high-water line and the side boundary of each property. The littoral zone sidelines terminate at either the established navigational channel, established anchorage identified as such by the United States Army Corps of Engineers, the midline between opposing shorelines or 1,000 feet, whichever is less. Setback standards are established from other existing structures and an applicant's littoral zone boundary. When littoral zones overlap, structures must be set back 25 feet from an applicant's littoral zone sidelines and must be 50 feet from other existing structures; [PL 2025, c. 378, §12 (NEW).]

C. Whether the proposed use of the lease area would unreasonably interfere with customary or traditional public access ways; [PL 2025, c. 378, §12 (NEW).]

D. Whether the proposed use of the lease area would unreasonably interfere with the public trust rights of fishing, fowling and navigation; [PL 2025, c. 378, §12 (NEW).]

E. Whether there are other commercial marine services or facilities in the proposed lease area; [PL 2025, c. 378, §12 (NEW).]

F. Whether the nonwater-dependent floating structure would unreasonably interfere with ingress and egress of riparian owners; [PL 2025, c. 378, §12 (NEW).]

G. Whether the nonwater-dependent floating structure would result in significant risk to life or property in the vicinity of the use under conditions of weather and vessel traffic; [PL 2025, c. 378, §12 (NEW).]

H. Whether there is evidence in the record that any portion of the proposed lease area has been designated for special protection by an agency authorized to make such designations; [PL 2025, c. 378, §12 (NEW).]

I. Whether the use conflicts with those aspects of the coastal policies or the coastal policy guidelines in section 1801 that relate to the criteria considered by the bureau; [PL 2025, c. 378, §12 (NEW).]

J. Whether the lease terms require the applicant to obtain all necessary federal, state and local approvals; and [PL 2025, c. 378, §12 (NEW).]

K. Whether the applicant has paid the fee required for processing the application. [PL 2025, c. 378, §12 (NEW).]

The bureau may consult with other agencies and organizations as appropriate when considering the terms of a submerged lands nonwater-dependent floating structure lease.
[PL 2025, c. 378, §12 (NEW).]

5. Bureau approval required. If approved for the issuance of a lease, the owner may continue to operate the nonwater-dependent floating structure in accordance with the requirements of this section and subject to the terms of the lease.
[PL 2025, c. 378, §12 (NEW).]

6. Operational standards. A nonwater-dependent floating structure that is authorized to continue operating pursuant to a lease issued in accordance with this section must meet all applicable standards in law or rule or the structure's authorization to continue operation may be

revoked through a termination of the lease. A nonwater-dependent floating structure must meet the following criteria.

- A. The structure must be labeled with the owner's name, telephone number and e-mail address. [PL 2025, c. 378, §12 (NEW).]
- B. If the structure is located on coastal territorial waters, it must comply with 33 United States Code, Section 1322. [PL 2025, c. 378, §12 (NEW).]
- C. If the structure is located on inland waters, it must comply with section 423, have a waterless composting or desiccating toilet, have a holding tank for which tank pumping records must be provided upon request or have landside-only facilities, meaning no toilet, shower or sink on board that discharges. [PL 2025, c. 378, §12 (NEW).]
- D. The structure is subject to inspection by representatives of the State to ensure compliance with any of the provisions of applicable law or rule. [PL 2025, c. 378, §12 (NEW).]

[PL 2025, c. 378, §12 (NEW).]

7. Limitations. The following limitations apply.

- A. A lease may not be issued under this section for an area greater than 1,500 square feet. [PL 2025, c. 378, §12 (NEW).]
- B. Once sited in accordance with a lease issued under this section, a nonwater-dependent floating structure may not be sited in any other location on the internal waters of the this State. [PL 2025, c. 378, §12 (NEW).]
- C. A lease may be issued under this section for a 10-year term, which is renewable. If the nonwater-dependent floating structure is destroyed or has met the end of its useful life prior to the expiration of the lease, the lease authorization under this section expires. [PL 2025, c. 378, §12 (NEW).]

[PL 2025, c. 378, §12 (NEW).]

8. Lease fees. The following lease fees apply with respect to leases issued under this section.

- A. For a lease for an area that is 500 square feet or less, the annual lease fee is \$250. [PL 2025, c. 378, §12 (NEW).]
- B. For a lease for an area that is greater than 500 square feet and less than or equal to 1,000 square feet, the annual lease fee is \$500. [PL 2025, c. 378, §12 (NEW).]
- C. For a lease for an area that is greater than 1,000 square feet and less than or equal to 1,500 square feet, the annual lease fee is \$1,000. [PL 2025, c. 378, §12 (NEW).]

[PL 2025, c. 378, §12 (NEW).]

9. Final agency action. Decisions made by the bureau under this section constitute final agency action for the purposes of judicial review under Title 5, chapter 375.

[PL 2025, c. 378, §12 (NEW).]

SECTION HISTORY PL 2025, c. 378, §12 (NEW).

§3305. Penalties; removal; abandonment

1. Penalties. Except as provided in subsection 2, a person who violates section 3302 commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged for

each day of that violation, and the person may be ordered to pay restitution to the primary enforcement authority for costs incurred in investigating the violation and enforcing the provisions of this chapter.

[PL 2025, c. 378, §12 (NEW).]

2. Repeat violations. A person who violates section 3302 after having been adjudicated as having committed 3 or more civil violations under section 3302 within the previous 5-year period commits a Class E crime. In addition to any penalties that may be imposed by law for each day of that violation, the person may be ordered to pay restitution to the primary enforcement authority for costs incurred in investigating the violation and enforcing the provisions of this chapter.

[PL 2025, c. 378, §12 (NEW).]

3. Removal of structures. A person who violates section 3302 shall remove the violating nonwater-dependent floating structure from the internal waters of this State that the structure was placed or used in, on or over and is responsible for all costs associated with the removal and the costs of any damage to persons or property caused by the structure's placement or use.

[PL 2025, c. 378, §12 (NEW).]

4. Abandoned structures. An abandoned nonwater-dependent floating structure may be removed, possessed, sold, destroyed or otherwise disposed of by the State, a municipality or other primary enforcement authority. The authority provided under this subsection does not affect the authority granted under Title 12, section 1866 related to the removal of an abandoned watercraft pursuant to that section.

[PL 2025, c. 378, §12 (NEW).]

SECTION HISTORY PL 2025, c. 378, §12 (NEW).

§3306. Enforcement

Any person described in Title 12, section 10403 may enforce the provisions of this chapter. [PL 2025, c. 378, §12 (NEW).]

SECTION HISTORY PL 2025, c. 378, §12 (NEW).

§3307. Rulemaking

In consultation with the Department of Marine Resources and the Department of Inland Fisheries and Wildlife, the Department of Agriculture, Conservation and Forestry may adopt rules clarifying the application of the provisions of this chapter to watercraft, houseboats, nonwater-dependent floating structures and nonwater-dependent uses, rules clarifying or expanding the scope of the exceptions to the prohibition under section 3302 and other rules necessary for the implementation of this chapter. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2025, c. 378, §12 (NEW).]

SECTION HISTORY PL 2025, c. 378, §12 (NEW).

Title 12 §13056. Certificate of number, identification numbers and validation stickers

3-A. Homemade watercraft; hull identification number. The owner of a homemade watercraft shall obtain a hull identification number prior to applying for a certificate of number from the commissioner. In the case of a homemade watercraft that is a houseboat or that is a nonwater-dependent floating structure capable of being used as a means of transportation on water, including, but not limited to, a dock, gazebo, floating swim toy, bathtub, swimming pool or picnic table, the commissioner may issue a certificate of number upon the request of the owner only if the owner provides a letter of inspection and approval for the homemade watercraft from a qualified marine surveyor and demonstrates to the commissioner's satisfaction that the homemade watercraft:

- A. Meets all applicable safety requirements under 33 Code of Federal Regulations, Part 183, including, but not limited to, requirements that the watercraft's flotation, decking and windows be constructed from marine-grade material; [PL 2025, c. 378, §10 (NEW).]
- B. Meets all applicable operating visibility requirements under 46 Code of Federal Regulations, Section 144.905, standards as recommended by the American Boat & Yacht Council H-1, Field of Vision from the Helm Position; The watercraft must include a position from which its operator is afforded unobstructed forward visibility to each side of the centerline for at least 70 degrees from the operator's position and is afforded unobstructed lateral visibility to each side of the centerline at least 90 degrees from the operator's position; [PL 2025, c. 378, §10 (NEW).]
- C. Meets all applicable stability, weight capacity, horsepower capacity, passenger carrying area and navigation lighting requirements under 33 Code of Federal Regulations, Part 183; and [PL 2025, c. 378, §10 (NEW).]
- D. Is capable of navigation for the purposes of this chapter. [PL 2025, c. 378, §10 (NEW).] [PL 2025, c. 378, §10 (NEW).]

SUMMARY OF AMENDMENT

This amendment identifies two terms used within Title 38 Chapter 37 that do not reflect the most appropriate definitions to utilize within this chapter. After implementing the new law, staff suggested that "internal waters" should be replaced with "waters of this state" and "coastal waters" should be replaced with "territorial waters". When "waters of the state" was referenced, it should state, "waters of this state".

Additionally, the United States Coast Guard (USCG) noted that there was a preemption issue within a section that requires visibility from the helm of homemade watercraft. There is no requirement in 33 Code of Federal Regulations (CFR) 183 to have visibility from the helm. The suggestion is to refer to standards on visibility provided by the American Boat & Yacht Council H-1, Field of Vision from the Helm Position, in lieu of referencing a regulation (46 CFR 144.905) which is intended for towing of vessels.