

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

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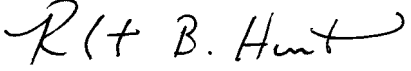
H.P. 86

House of Representatives, January 14, 2025

### **An Act to Prohibit the Unauthorized Mooring of Watercraft**

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Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative MILLIKEN of Blue Hill.  
Cosponsored by Senator MOORE of Washington and  
Representatives: BISHOP of Bucksport, DODGE of Belfast, EATON of Deer Isle, STROUT  
of Harrington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §3-B** is enacted to read:

3 **§3-B. Mooring on privately owned or leased land**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Emergency" means an unexpected adverse event that exposes a person to physical  
7 harm if immediate action is not taken to prevent the harm or that exposes a watercraft  
8 to likely damage if a mooring is not used.

9 B. "Owner or lessee" means a person or group of persons that have a legal interest in  
10 a mooring or that have been granted rights of use of a mooring by the mooring's owner.

11 **2. Permission required.** A person may not secure a watercraft to a mooring owned or  
12 leased by another person without permission of the owner or lessee.

13 **3. Penalty.** A person who violates subsection 2 commits a Class E crime if:

14 A. The person refuses or fails to immediately release a watercraft from a mooring upon  
15 request of the owner or lessee and deprives the owner or lessee of use of the mooring;

16 B. The person leaves a watercraft unattended and secured to a mooring and deprives  
17 the owner or lessee of the use of the mooring; or

18 C. The person damages or drags the mooring.

19 **4. Restitution.** In addition to any criminal penalty imposed for a violation of subsection  
20 2, a court shall order a person who violates subsection 2 to pay restitution to the owner or  
21 lessee of the mooring in an amount equal to any monetary expenses the owner or lessee  
22 incurs as a result of the unauthorized use of the mooring.

23 **5. Liability.** An owner or lessee of a mooring is not liable for damages incurred by a  
24 person resulting from that person's use of the mooring without permission of the owner or  
25 lessee.

26 **6. Affirmative defense.** It is an affirmative defense to an alleged violation of  
27 subsection 2 that:

28 A. A mooring is clearly marked in a manner indicating that it is a rental mooring, the  
29 mooring is vacant at the time the person secures a watercraft to it and reasonable efforts  
30 have been made to pay any mooring rental fee; or

31 B. A person secures a watercraft to a mooring during an emergency that is immediately  
32 reported to a law enforcement agency.

33 **SUMMARY**

34 This bill prohibits a person from securing a watercraft to a mooring without receiving  
35 permission from the mooring's owner or lessee and establishes penalties and exceptions to  
36 that prohibition.