

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1763

H.P. 1182

House of Representatives, April 23, 2025

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

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

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HEPLER of Woolwich.
Cosponsored by Senator GUERIN of Penobscot and
Representatives: DILL of Old Town, MASON of Lisbon, PERKINS of Dover-Foxcroft.

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

2 **Sec. 1. 12 MRSA §10001, sub-§43-A** is enacted to read:

3 **43-A. Nonwater-dependent floating structure.** "Nonwater-dependent floating
4 structure" has the same meaning as in Title 38, section 3301, subsection 9.

5 **Sec. 2. 12 MRSA §10403, first ¶,** as enacted by PL 2003, c. 414, Pt. A, §2 and
6 affected by c. 614, §9, is amended to read:

7 Any municipal, county or state law enforcement officer or any harbor master appointed
8 pursuant to section 13072 or Title 38, section 1 has the authority to enforce, in the
9 respective jurisdictions, the watercraft laws in chapter 935, the nonwater-dependent
10 floating structures laws in Title 38, chapter 37 and the rules related to those laws.

11 **Sec. 3. 12 MRSA §13001, sub-§9-A** is enacted to read:

12 **9-A. Dock.** "Dock" has the same meaning as in Title 33, section 459, subsection 1,
13 paragraph A.

14 **Sec. 4. 12 MRSA §13001, sub-§12-A** is enacted to read:

15 **12-A. Homemade watercraft.** "Homemade watercraft" means a watercraft that is
16 built by an individual for personal use using raw materials provided by a manufacturer and
17 that is not required to have a hull identification number assigned by the United States Coast
18 Guard and may include, but is not limited to, open watercraft, auxiliary sail watercraft,
19 paddle craft, houseboat, pontoon boat, personal watercraft, airboat and inflatable
20 watercraft.

21 **Sec. 5. 12 MRSA §13001, sub-§12-B** is enacted to read:

22 **12-B. Houseboat.** "Houseboat" means a motorboat that:

23 A. Except as otherwise provided by rule adopted pursuant to section 13051, subsection
24 8, is usually nonplaning, has a low freeboard and minimal or no foredeck or cockpit;

25 B. Includes a permanent, enclosed structure that contains, at a minimum, sleeping,
26 cooking and toilet facilities;

27 C. Is a homemade watercraft or originally manufactured as a watercraft; and

28 D. Meets other criteria established by rule pursuant to section 13051, subsection 8.

29 **Sec. 6. 12 MRSA §13001, sub-§15-A** is enacted to read:

30 **15-A. Mooring.** "Mooring" has the same meaning as in Title 38, section 480-B,
31 subsection 5-A.

32 **Sec. 7. 12 MRSA §13001, sub-§17-A** is enacted to read:

33 **17-A. Navigation.** "Navigation" means, with respect to a watercraft, the operation of
34 the watercraft in a manner designed to avoid collisions on the water through adherence to
35 rules of watercraft operation established by the department pursuant to chapter 935 and to
36 applicable federal regulations.

37 **Sec. 8. 12 MRSA §13001, sub-§27-B** is enacted to read:

38 **27-B. Vessel.** "Vessel" means any watercraft or artificial contrivance used or capable
39 of being used as a means of transportation on water.

1 **Sec. 9. 12 MRSA §13001, sub-§28**, as enacted by PL 2003, c. 414, Pt. A, §2 and
2 affected by c. 614, §9, is amended to read:

3 **28. Watercraft.** "Watercraft" means any type of vessel, boat, canoe or ~~craft~~
4 houseboat, excluding a seaplane, capable of being used as a means of transportation on
5 water, other than a seaplane, including that satisfies all applicable laws and rules pertaining
6 to navigation and safety equipment on watercraft. "Watercraft" includes motors, electronic
7 and mechanical equipment and other machinery, whether permanently or temporarily
8 attached, that are customarily used in the operations of the watercraft. "Watercraft" does
9 not include a vessel, boat, canoe or ~~craft~~ houseboat located and intended to be permanently
10 docked in one location and not used as a means of transportation on water.

11 **Sec. 10. 12 MRSA §13051, sub-§7**, as enacted by PL 2003, c. 414, Pt. A, §2 and
12 affected by c. 614, §9, is amended to read:

13 **7. Areas off limits to watercraft.** To define areas off limits to all watercraft during
14 time periods critical for wildlife protection-; and

15 **Sec. 11. 12 MRSA §13051, sub-§8** is enacted to read:

16 **8. Houseboat criteria.** To establish additional criteria for the regulation of houseboats
17 in accordance with section 13001, subsection 12-B, paragraph D, which must include, but
18 are not limited to, requirements that a houseboat:

19 A. Include a motor or other means of propulsion;

20 B. Include all safety, sanitation and navigation equipment for watercraft required by
21 applicable state and federal laws, rules and regulations;

22 C. Include steering and propulsion controls in a location that provides forward
23 visibility over a 180-degree range;

24 D. Meet wastewater discharge standards for marine toilets, showers and sinks;

25 E. Include doors and windows constructed or designed for marine use;

26 F. Include certified navigation lighting;

27 G. Include a nonpermanent, quick-connect attachment to the shore for any potable
28 water or electricity or sewage services provided to the houseboat;

29 H. Include an assigned hull identification number; and

30 I. Be designed and constructed primarily for navigation purposes, with any included
31 housing accommodations as a secondary purpose.

32 **Sec. 12. 12 MRSA §13056, sub-§3-A** is enacted to read:

33 **3-A. Homemade watercraft; hull identification number.** The owner of a
34 homemade watercraft must obtain a hull identification number prior to applying for a
35 certificate of number from the commissioner. In the case of a homemade watercraft that is
36 a houseboat or that is a nonwater-dependent floating structure capable of being used as a
37 means of transportation on water, including, but not limited to, a dock, gazebo, floating
38 swim toy, bathtub, swimming pool or picnic table, the commissioner may issue a certificate
39 of number upon the request of the owner only if the owner provides a letter of inspection
40 and approval for the homemade watercraft from a qualified marine surveyor and
41 demonstrates to the commissioner's satisfaction that the homemade watercraft:

1 A. Meets all applicable safety requirements under 33 Code of Federal Regulations,
2 Part 183, including, but not limited to, requirements that the watercraft's flotation,
3 decking and windows be constructed from marine-grade material;

4 B. Meets all applicable operating visibility requirements under 46 Code of Federal
5 Regulations, Section 144.905. The watercraft must include a position from which its
6 operator is afforded unobstructed forward visibility to each side of the centerline for at
7 least 70 degrees from the operator's position and afforded unobstructed lateral visibility
8 to each side of the centerline at least 90 degrees from the operator's position;

9 C. Meets all applicable stability, weight capacity, horsepower capacity, passenger
10 carrying area and navigation lighting requirements under 33 Code of Federal
11 Regulations, Part 183; and

12 D. Is capable of navigation for the purposes of this chapter.

13 **Sec. 13. 38 MRSA §423, sub-§4**, as enacted by PL 2003, c. 688, Pt. B, §14 and
14 affected by §15, is amended to read:

15 **4. Watercraft defined.** For the purposes of this section, "watercraft" has the same
16 meaning as ~~provided~~ in Title 12, section 13001, subsection 28, ~~except that "watercraft"~~
17 ~~includes houseboats. This subsection takes effect August 31, 2004.~~

18 **Sec. 14. 38 MRSA c. 37** is enacted to read:

19 **CHAPTER 37**

20 **NONWATER-DEPENDENT FLOATING STRUCTURES**

21 **§3301. Definitions**

22 As used in this chapter, unless the context otherwise indicates, the following terms
23 have the following meanings.

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

28 **2. Coastal waters.** "Coastal waters" has the same meaning as in section 542,
29 subsection 3-A.

30 **3. Dock.** "Dock" has the same meaning as in Title 33, section 459, subsection 1,
31 paragraph A.

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

36 A. A floating house, floating camp or house barge; and

37 B. Any other floating structure used primarily as a residence that is not designed for
38 navigation as its primary purpose and is not capable of self-propulsion or use as a
39 means of transportation on water.

1 **5. Functionally water-dependent uses.** "Functionally water-dependent uses" has the
2 same meaning as in section 436-A, subsection 6.

3 **6. Houseboat.** "Houseboat" has the same meaning as in Title 12, section 13001,
4 subsection 12-B.

5 **7. Inland waters.** "Inland waters" has the same meaning as in Title 12, section 10001,
6 subsection 35.

7 **8. Mooring.** "Mooring" has the same meaning as in section 480-B, subsection 5-A.

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

11 **10. Nonwater-dependent uses.** "Nonwater-dependent uses" means those uses that
12 can function in a location other than on the surface waters of the State and that do not
13 require, for their primary purpose, location on submerged lands or direct access to inland
14 waters or coastal waters.

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

17 **§3302. Prohibition on nonwater-dependent floating structures**

18 Except as otherwise provided in this chapter, a person may not place or use a nonwater-
19 dependent floating structure in, on or over inland waters or coastal waters.

20 **§3303. Exceptions**

21 The following facilities and structures are not subject to the prohibition in section 3302:

22 **1. Functionally water-dependent uses.** Any facility or structure, the primary purpose
23 of which is a functionally water-dependent use;

24 **2. Swimming structures.** Any dock, wharf or swimming and diving float that is used
25 as a floating structure for swimming or diving or for the temporary tie off of watercraft, is
26 placed on the surface waters of the State and is temporarily or permanently anchored to the
27 bottom of those waters;

28 **3. Water toys.** Any floating water toy, including, but not limited to, air mattresses,
29 pool toys, floating noodles, swim rings, water mats and inflatable platforms smaller than
30 250 square feet in surface area;

31 **4. Ice fishing shacks.** Any ice fishing shack described in Title 12, section 6523 or
32 Title 12, section 12661;

33 **5. Aquaculture facilities.** Any aquaculture facility for which the owner or operator
34 has obtained a lease from the Commissioner of Marine Resources pursuant to Title 12,
35 section 6072, 6072-A or 6072-B; and

36 **6. Other facilities and structures.** Any other facility or structure exempted from the
37 prohibition under section 3302 by rule adopted pursuant to section 3306.

38 **§3304. Penalties; removal; abandonment**

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

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

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

10 **3. Removal of structures.** A person who violates section 3302 must remove the
11 violating nonwater-dependent floating structure from the inland waters or coastal waters
12 that the structure was placed or used in, on or over and is responsible for all costs associated
13 with the removal and the costs of any damage to persons or property caused by the
14 structure's placement or use.

15 **4. Abandoned structures.** An abandoned nonwater-dependent floating structure may
16 be removed, possessed, sold, destroyed or otherwise disposed of by the State, a
17 municipality or other primary enforcement authority.

18 **§3305. Enforcement**

19 Any person described in Title 12, section 10403 may enforce the provisions of this
20 chapter.

21 **§3306. Rulemaking**

22 In consultation with the Department of Marine Resources and the Department of
23 Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife
24 may adopt rules clarifying the application of the provisions of this chapter to watercrafts,
25 houseboats, nonwater-dependent floating structures and nonwater-dependent uses, rules
26 clarifying or expanding the scope of the exceptions to the prohibition under section 3302
27 and other rules necessary for the implementation of this chapter. Rules adopted pursuant
28 to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

29 **SUMMARY**

30 This bill implements a prohibition on the placement or use of a nonwater-dependent
31 floating structure in, on or over inland waters or coastal waters. As defined in the bill, a
32 "nonwater-dependent floating structure" is a waterborne structure that is supported wholly
33 or partially by the structure's own buoyancy and that supports a nonwater-dependent use.
34 "Nonwater-dependent uses" is defined as those uses that can function in a location other
35 than the surface waters of the State and that do not require, for their primary purpose,
36 location on submerged lands or direct access to inland waters or coastal waters. The
37 prohibition includes exceptions for functionally water-dependent uses, swimming
38 structures, water toys, ice fishing shacks and aquaculture facilities. The bill also clarifies
39 the regulation of houseboats and homemade watercraft under the laws regulating
40 watercraft.