

Mooring Working Group Minutes

July 22, 2026, 5:30-7:30pm

IF&W Headquarters, Augusta

Attendees:

In-Person:

Working Group Members:

Christl Theriault, IF&W, Legislative Liaison, Facilitator
Diano Circo, IF&W, Chief Planner Boat Access Program
Tim Thurston, DACF, Navigational Aid Supervisor
Heather Seiders, DACF, Outdoor Recreation Planner – Boating Facilities Program
John Noll, DACF, Director - Submerged Lands Program
Ben Godsoe, Executive Director, Land Use Planning Commission
Bob Gardner, Owner of Great Pond Marina, Belgrade
Sam Minerveno, Owner of Long Beach Marina, Sebago
Shawn Hebert, Treasurer, Maine Harbor Master's Association
Rebecca Lambert, Municipal Issues Specialist for Maine Municipal Association
Lt. Jason Luce, IF&W, Maine Warden Service

Non-Members:

Daryen Granata, Maine Harbor Masters Association, Town of Scarborough Harbor Master,
Marine Resource Officer
Jan Minervino, Owner of Long Beach Marina, Sebago
Marie Dobrisky
Frank Dobrisky

Teams:

Working Group Members:

Tasha Pinkham, Standish Town Manager
Brookelyn Tilton, LUPC
Marc Restuccia, Toddy Pond Association

Non-Members:

Andy Cutko, DACF, Director of Parks and Lands
John Sims, Bridgeton
Bruce Hart
Kelly Sims, Bridgeton
Anja Parlin, DACF/BPL-Submerged Lands

Housekeeping: Christl opened the meeting with general housekeeping items and an opportunity for everyone to introduce themselves.

Review and approve meeting minutes: Meeting minutes were reviewed based on Shawn's requested correction. Jason Luce motioned to approve the revised minutes. John Noll seconded. Teams voting members approved.

First Presentation by John Noll and Heather Seiders on ownership of land under the water & how mooring use relates to the public trust doctrine.

John began the presentation:

- What is the Submerged Lands Program and how do they use the money received from leases? The money is used for grants improving water access.
- Public Trust Doctrine – Common Law that came from Roman Times. The rights are transitory and focus on Fishing, Fowling, and Navigation.
- Vehicles on the ice, abandoned vessels, restaurants, and floating homes are not public trust rights.
- Brief presentation of how the Public Trust Rights evolved. The modern interpretation is from 1953.
- List of Submerged Lands Program Statutes
- Submerged Lands Program jurisdiction is coastal, mean low out to 3 miles, the three boundary rivers, and Great Ponds over 10 acres in their pre-dam state below natural low water.
- Maine is a low water state; however, some states differ. Texas is a highest high-water state.
- Comparison of Toddy Pond today versus if the dam were removed. This shows the “bathtub ring” where the Submerged Lands Program does not have jurisdiction.
- Fee vs Flood ownership of property in the “bathtub ring”. Fee means that the owner has complete ownership of the property, including all rights associated with the property. A flowage right grants the legal permission to intentionally flood, flow, or submerge a piece of property. In certain cases, on Sebago, Presumpscot Water purchased flowage in 1884. This means that the landowners retained ownership of the land but allowed the land to be flooded and cannot sue for damages. Similar to selling mineral rights, they sold the right to flow the land.
- Projects that are exempt from Submerged Lands Permits include moorings, federal dredging, floats or docks that are less than 500 sq. ft. and in place less than 7 months.
- Presentation of 12 MRS§1862 Submerged Lands Program retains the right to regulate moorings, but that authority is currently with the towns.
- Littoral zones and setbacks are a planning tool used by the Submerged Lands Program and do not pertain to rights of shorefront owners.
- Shorefront owners have a limited right to wharf out. They can’t keep someone from being on the water in front of their property.
- In the marina example presented, the neighboring landowners provided a letter of no objection, which allowed the marina to place more slips.
- Impact to Trust Rights slide: How does the example impact public right? If the area was over lands in the Submerged Lands Program, it would require a lease and money for the loss of public trust rights would be paid to the program. If it is not over land within the Submerged Lands Program, there is a loss of public trust rights without compensation to the public.
- Slides show examples of how property lines may be extended into the littoral zone. If flowed lands are no longer flowed, how would the rights be divided? This would likely need a judge to determine.
- Review of Title 33 §459 2. Easements or rights-of-way established on or after January 1, 2018. The owner of an easement or right-of-way leading to or touching upon a water body does not have the right by implication to construct a dock on the easement or right-of-way or use the easement or right-of-way to facilitate the construction of a dock on the water body if:
 - A. The easement or right-of-way is originally established in a written instrument executed on or after January 1, 2018; and
 - B. The instrument granting or reserving the easement or right-of-way does not expressly include the right to construct a dock on the easement or right-of-way or the right to use the easement or right-of-way to facilitate the construction of a dock on the water body.

Christl: Questions regarding the presentation?

Teams: Will the slides be available for review?

Response: Yes, they will be posted on the working group website.

Next Discussion was led by Daryen Granata and Shawn Hebert on Title 38 to show how coastal towns manage moorings with harbor masters, where they can and can't put one and why (200 ft water safety zone). This will include some time for IFW to explain enforcement authority for wardens and mooring law within Title 12.

- The discussion was about moorings in Coastal Towns followed by some information about inland mooring ordinances. Daryen started the discussion:
 - The town (of Scarborough) ordinance lays out the fee structure for moorings.
 - In the towns the Daryen oversees moorings must be inspected bi-annually.
 - Moorings are based on the size of the vessel and weight. In Scarborough they use a concrete low profile (less than 18") block, metal staple/pin in block, shackle, swivel, shackle to the bottom chain, top chain, mooring ball.
 - Mushroom shaped blocks will drag on the coast.
 - Mooring equipment can cost up to \$3,000.
 - In the Nonesuch River, Scarborough allows a pyramid anchor.
 - In the City of Portland, moorings are allowed to use helix anchors.
 - The Town of Scarborough maintains two separate waiting lists (Commercial/Recreation) and when moorings become available, they alternate between the two lists. This is specified in the town ordinance.
 - The Town of Scarborough mooring field is located within a Federal Navigation Project and is dredged every 5-10 years to maintain depth in the field due to sand deposition. The last time it was dredged they removed approximately 147,000 cubic yards of material. The Town must communicate with the Army Corp of Engineers.
 - Mooring placement is a jigsaw puzzle; there must be a watch circle for each boat.
 - Boat draft is an additional constraint, as there must be enough water to float the vessel at low tide.
 - Christl asked is the ordinance prescriptive on how the moorings are set?
 - A contractor determines the location and tells people where the anchor must go. Once the mooring is in place, they check the watch circle which can be significant due to the tide.
 - Christl stated that this may apply to inland waters such as spring high flows, flooding or water level changes due to dams.

Tim: Is there a set formula for water depth and other variables, is it just based on the size of the vessel?

- The town has a chart in the ordinance that is based on the tide and boat length. The chart shows boat length, boat weight, weight of the block. Example provided: 22' boat, the block weight would be 300 pounds, bottom chain would be ½ inch, and the top chain would be 3/8-inch chain. This information can be found in the Scarborough ordinance. It is all related to boat length and block weight.
- Sailboat moorings are different because they have a 5'-6' keel and if the chain is too tight, the boat can get wrapped in the chain.
- John asked if they could address the anatomy of a mooring.
- The bottom chain absorbs fluctuations such as waves and tides. Swivels are important at the block and between the two chains, so the chain doesn't get tangled and snap.
- Sam asked are there regulations regarding pennants. No, but they ask that commercial boats have 2.

Heather: What is a pennant?

- A pennant is what is attached to the ball, usually a piece of rope which attaches to the boat. Some moorings also have a pick-up buoy.

Diano asked about waitlists

- It is all in statute Title 38, Chapter 1, Subchapter 1, §7-A Waiting Lists; Non-Resident Moorings
- Title 38 does not allow for subletting and the boat must be on the mooring for a minimum of 30 days. Moorings are non-transferrable except for commercial moorings. There is no grandfathering. This is due to Public Trust Rights.
- Scarborough numbers the balls with a system so they know who owns the mooring. These systems vary by town.

John stated that on inland waters and Great Ponds with no Harbor Master, there is nobody to issue a mooring permit.

In Scarborough, the Harbor Master handles inland moorings as on the Nonesuch River. Placement is through the Harbor Master.

John stated that if someone wants to place a mooring on coastal water without a Harbor Master, they must go to the Army Corps of Engineers for a permit.

Title 38 requires a Harbor Master to be appointed if a resident requests one. Some get paid, some don't. Some Harbor Masters are law enforcement officers, some are not. The section requiring a Harbor Master be appointed upon request was revised to exclude inland waters.

Christl said that Sebago may relate to coastal waters, if one town has a Harbor Master and a neighboring town does not how should this be handled? That is something the group will need to consider.

Ben stated that there are lots of places without towns such as unorganized territories. What are some of the compliance issues that the Town of Scarborough has? No end date for fee collection. Everything is online and they can run reports but there is no date that fees are due by. There are no inspection issues. Minimal issues with people using moorings that don't belong to them. Transients are handled with either a couple of extra moorings or an anchorage.

Christl: Could we create a set of rules that towns can align with? Would like to have the state adopt framework but allow towns to be a little more strict. The Harbor Master Association provides a blank ordinance to coastal towns and has them fill in the blanks for their town.

Daryen feels that Naples has the best freshwater ordinance in the State. Would want all towns on one lake to adopt the same ordinance and pay for a shared Harbor Master.

Sam: How many moorings do you manage? 400+, some Harbor Masters manage 2,000+ moorings. Harpswell and Falmouth have the largest number of moorings.

Diano asked what is a reasonable number of moorings for single inland Harbor Master? 1,000+

Shawn stated that it takes time for a Harbor Master to settle in, figure out who owns what moorings, get familiar with the infrastructure and get people into compliance. Once this is settled, the program is easier to run.

Mark wants to know if a person walks into a town and requests a Harbor Master, do they have to appoint one? No, this is for Territorial waters only. In Title 12 §7803 it was repealed.

Kelly online asked: must all moorings be attached to an approved concrete block or can it be attached to a makeshift anchor or natural rock?

Response: Only if the town has an ordinance.

Kelly Sims: follow-up question, if a lake does not have a Harbor Master, who approves/denies placements?

Response: Nobody, that is why this group was formed and why we are here.

Daryen: Some towns have tried to get ahead of the mooring issue by sending a Harbor Master to the Harbor Master Association Certification and pass an inland ordinance while other towns call it the local mooring officer and reference Title 38. These towns (those that have a local mooring officer) were notified that they cannot do this. The Harbor Master Association encourages towns, especially coastal, to appoint a Harbor Master and have an ordinance so there is some control over moorings.

Christl: The State has dealt with towns that pass an ordinance that overstep their authority, giving abutters too much authority over public waters. In some cases, the ordinance requires someone from the public to gain written permission to place a mooring in front of their property. This is not legal.

Diano: The issue is that the water is held in public trust and an abutter cannot determine how it is used.

Daryen: Riparian rights, if you own over 100' of shorefront you can have a mooring per Title 38.

Tim: Does this apply to inland waters?

Response: it is unclear and another reason the group is meeting.

John: In Scarborough, do you have multiple mooring fields?

Daryen: Harbor limits are defined in ordinance. Anyone not a shorefront owner must moor in a moorage. If a shorefront owner, it is determined if they own over 100' of shore, if yes, a mooring permit is issued. Same ordinance requirements. People can have 2 moorings but no more than 3 per household in Scarborough.

Tim: Are the fees the same?

Daryen: Yes, with the exception of mooring in front of property.

Ben: Do fees support the program?

Daryen: They are used for the program and boating infrastructure. Fees are reviewed every 3-4 years.

John Sims: Can a local ordinance require the approval of the lakefront property owner before a mooring is placed?

Response: No

Daryen: Coastal Water Safety Zone vs. Mooring Field. Moorings are outside of the water safety zone of a beach or swim area. Some are as far as 350' offshore. Very different than inland waters.

Jason: How do you lay them out?

Daryen: Look at how many boats are, how many at different drafts and then determine placements. Every town is different and lakes would be different.

Follow-up: Does the Harbor Master determine the size of the field?

Response: Yes

John: How do you deal with public trust rights? Can lobster pots be dropped in the field?

Daryen: They are allowed but equipment is likely to be lost. Some other towns have pots in the mooring field.

Christl: How do you decide how many boats you will allow or the size of the field?

Daryen: Depends on water depth. One issue is when someone changes boat size. The field is set at low tide and use everything they can leaving the intertidal for trust rights.

Diano: What do you do about abandoned tackle?

Daryen: The owner is asked to remove it or pay the town to remove it. Sometimes they give the gear to the town who will inspect it and then they can gift it or sell it for the owner. Tackle is owned by the boat owner.

Diano: What do you do in the case of an illegal mooring?

Daryen: The town can remove it. In Scarborough, before they can apply for a mooring, they have to submit their boat registration and liability insurance. It is in the ordinance.

Tim: Do you think it is expensive?

Daryen: It is not.

Sam: The lake (Sebago) fluctuates 2-3', back lots put a mooring in off of a 50' access. Many have 100' docks with 7' depth. If there is a NE wind, it can cause 3-5' waves which damage the docks. Everyone at his marina has insurance, moorings are all regulated and a 100' channel to the gas dock. A diver inspects the moorings. We try to squeeze everyone into 200' water safety zone.

Jason: We asked for this presentation to show the difference between inland and coastal waters.

Shawn: Inland side of moorings based on Naples. Naples has a strong ordinance. DEP asked that the language from Chapter 1000 be put into the ordinance, so that mooring ordinance is all in one place. The town took over permitting and regulating docks as well because moorings might impede dock access. One challenge was association ROWs or small shore frontage with three or four moorings in front of that property. If they owned the land before 1987, they were grandfathered in but after the property was sold, they needed to be in compliance. A lot of education with real estate agents to get them up to speed with current ordinances. Permission to have a mooring is issued through the town. It isn't a right, it's a privilege. Only transferred with the property if in a trust or if within a family. Boat beams are changing and boats are getting wider. Trying to get bigger boats further from shore and graduating into the shore. The principles of inland and coastal moorings are the same, but the ordinances are different.

Christl: We not only need to propose law changes; we can propose outreach to the towns.

Jason: How the warden service enforces inland water moorings when there is no ordinance. It reverts to state law. 200' to shore that is the water safety zone. Under Title 12 you can place a mooring within the water safety zone. Cannot place anything outside of the water safety zone.

Rebecca: If a town doesn't have an ordinance are there requirements?

Response: You have to have a white mooring ball with a blue stripe.

Rebecca: Do you have to remove them in the winter?

Group Response: There are no regulations. Some people sink them. Town of Scarborough requires that all moorings come out in the winter. Responsibility of the owners to pay to remove the mooring in the winter.

Diano: No Harbor Master, no ordinance, no one oversees. No insurance regulations. The lakes are getting more and more crowded and people can do pretty much what they want. No regulations as to what they use for the weight.

Daryen: They tell towns that want an ordinance but hear there is no money that if you charge an appropriate fee for the mooring, the program is self-sustainable. Fee structure is important.

Diano: There are benefits for both the shoreland owner and the public if there is mooring structure and oversight.

Cancellation of next week's meeting Christl: We are going to cancel next week's meeting.

Survey to be completed by working group members and review during next meeting Christl: We are sending out a survey to voting participants in the working group. The goal is to get results in seven days. IF&W will analyze and bring to the Aug. 5th meeting.

Christl opened it up for public comments/questions.

Frank Dobrisky member of the public. From Bridgeton has issues. The selectboard meeting last week passed a vote for a work group for moorings. Currently state law but no town ordinance, so you have to refer to state law. State law refers to items the Harbor Master shall do. In towns like Bridgeton, can the items assigned to a Harbor Master go to someone else? There is a difference between coastal and inland. Inland you can't demand a Harbor Master. There is a committee to look into an ordinance, the committee drafted an ordinance. The committee chairperson dropped a mooring in front of their (Frank's) house where they normally place their mooring. The person that dropped the mooring is hoping to be grandfathered when the ordinance is passed. What if there is a discrepancy between two mooring owners? Referred to the state. Spoke with Jason and Diano. Issue, the state law says one thing but there are no answers. If there is no Harbor Master who determines where a mooring goes?

Response: This is the issue why we are here.

Frank: State law needs to be strengthened to answer some of these questions. Where does the authority land if there is no Harbor Master.

Response: This is reason for forming this group.

John Sims: If a landlocked neighbor drops a mooring and sells the house, does the mooring go with the house?

Response: The mooring doesn't go with the sale of the house.

John: Suggest, require approval of lakefront owners before placing a mooring, heard earlier that this isn't allowed but would like it revisited it. If grandfathering moorings, it should be for moorings placed prior to 2020. Issue of character of lakes and their health.

Bruce Hart member of the public. Sebago, president of the Long Beach Community Association. Big neighborhood and mooring field. Wrote a draft ordinance but the State does not give enough authority to the towns to control the water. In Sebago, Town needs more than 200' and maybe allow more water surface for anchorages. They look at it like zoning.

Meeting adjourned at 7:30 p.m. by Christl.