

§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 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).

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