

LEGISLATIVE COMMITTEE MINUTES

SB103

Bill as Introduced

SB 103 - AS INTRODUCED

2013 SESSION

13-0911
03/09

SENATE BILL

103

AN ACT

establishing a committee to study the definition of houseboats and mooring and beaching regulation for houseboats.

SPONSORS:

Sen. Bradley, Dist 3; Sen. Odell, Dist 8; Sen. Cataldo, Dist 6; Sen. Fuller Clark, Dist 21; Rep. McConkey, Carr 3; Rep. Mellow, Carr 5; Rep. Ahlgren, Carr 6

COMMITTEE:

Transportation

ANALYSIS

This bill establishes a committee to study the definition of houseboats and mooring and beaching regulation for houseboats.

.....

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT establishing a committee to study the definition of houseboats and mooring and beaching regulation for houseboats.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Committee Established. There is established a committee to study the definition of
2 houseboats and mooring and beaching regulation for houseboats.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) One member of the senate, appointed by the president of the senate.

6 (b) Three members of the house of representatives, appointed by the speaker of the
7 house of representatives.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties.

11 I. The committee shall study the definition of houseboats and mooring and beaching
12 regulation for houseboats.

13 II. The committee shall solicit input from the shoreland advisory committee established in
14 RSA 483-B:21 and the marine patrol bureau of the division of state police.

15 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
16 among the members. The first meeting of the committee shall be called by the senate member. The
17 first meeting of the committee shall be held within 45 days of the effective date of this section. Three
18 members of the committee shall constitute a quorum.

19 5 Report. The committee shall report its findings on whether regulatory changes are necessary
20 on or before November 1, 2013, and shall issue its final report, including any recommendations for
21 proposed legislation, on or before December 31, 2013. The reports shall be submitted to the
22 president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk,
23 the governor, and the state library.

24 6 Effective Date. This act shall take effect upon its passage.

SB 103 - AS AMENDED BY THE SENATE

03/07/13 0469s

2013 SESSION

13-0911

03/09

SENATE BILL **103**

AN ACT relative to beaching, grounding, or tying a boat to shore.

SPONSORS: Sen. Bradley, Dist 3; Sen. Odell, Dist 8; Sen. Cataldo, Dist 6; Sen. Fuller Clark, Dist 21; Rep. McConkey, Carr 3; Rep. Merrow, Carr 5; Rep. Ahlgren, Carr 6

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill prohibits beaching, grounding, or tying a boat to shore on a public body of water without the permission of the owner, lessee, or person in control of property fronting or abutting the body of water.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to beaching, grounding, or tying a boat to shore.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Chapter Heading Changed. The chapter heading of RSA 270-A is repealed and reenacted to
2 read as follows:

3 CHAPTER 270-A

4 BEACHING, GROUNDING, OR TYING A BOAT TO SHORE

5 2 Definitions; Mooring. Amend RSA 270-A:1, IV to read as follows:

6 IV. "Mooring" means beaching, grounding, or tying of a houseboat to the shore of any of the
7 ~~[inland surface waters]~~ **public bodies of water** of the state, and the anchoring of a houseboat on
8 any of the ~~[inland surface waters]~~ **public bodies of water** of the state.

9 3 New Paragraph; Definitions; Shorefront Property. Amend RSA 270-A:1 by inserting after
10 paragraph IV the following new paragraph:

11 V. "Shorefront property" means land fronting or abutting a public body of water.
12 "Shorefront property" shall not include a deeded right-of-way nor shall it include land not contiguous
13 to the shore with any with any other type of legal shorefront access.

14 4 Beaching, Grounding, or Tying Permitted. Amend RSA 270-A:2 to read as follows:

15 270-A:2 Where ~~[Overnight Mooring]~~ **Beaching, Grounding, or Tying to Shore** Permitted. A
16 ~~[houseboat]~~ **boat** may be beached or grounded, or tied to the ~~[shore]~~ **shorefront property** of any of
17 the ~~[inland surface waters]~~ **public bodies of water** of the state ~~[for an overnight period, or any part~~
18 ~~of an overnight period,]~~ only when **the shorefront property is** ~~[on or at a location]~~ owned, leased, or
19 otherwise under the control of the owner or operator of ~~[the houseboat]~~ **said boat** or by permission of
20 the owner, lessee, or person otherwise in control of ~~[such location. An unoccupied houseboat may be~~
21 ~~anchored on the inland surface waters of the state for an overnight period, or any part of an~~
22 ~~overnight period, only in an area reasonably adjacent to a location owned, leased, or otherwise under~~
23 ~~the control of the owner or operator of the houseboat or by permission of the owner, lessee, or person~~
24 ~~otherwise in control of such location]~~ **said shorefront property. For the purposes of this**
25 **chapter, property owned in common by a condominium association or other group shall be**
26 **deemed owned by the group and shall not convey any rights under this chapter to its**
27 **individual members.**

28 5 Overnight Mooring. Amend RSA 270-A:3 to read as follows:

29 270-A:3 Where Overnight Mooring Prohibited. No ~~[houseboat]~~ **boat** shall be beached or
30 grounded, or tied to the shore of any of the ~~[inland surface waters]~~ **public bodies of water** of the

SB 103 - AS AMENDED BY THE SENATE

- Page 2 -

1 state for an overnight period or any part of an overnight period, except as permitted in RSA 270-A:2
2 or in cases of emergency. No ~~[houseboat]~~ *boat* shall be anchored on any of the ~~[inland-surface~~
3 ~~waters]~~ *public bodies of water* of the state for an overnight period or any part of an overnight
4 period except as permitted in RSA 270-A:2 or in cases of emergency.

5 6 Penalty. Amend RSA 270-A:5 to read as follows:

6 270-A:5 Penalty for Overnight Mooring at a Prohibited Location. If any person shall violate any
7 provision of this chapter relative to mooring a ~~[houseboat]~~ *boat* overnight in a prohibited location, he
8 *or she* shall be guilty of a violation. Each night of mooring a ~~[houseboat]~~ *boat* in a prohibited
9 location shall be considered a separate violation.

10 7 Additional Penalty. Amend RSA 270-A:7 to read as follows:

11 270-A:7 Additional Penalty. In addition to the penalties provided in RSA 270-A:5 and ~~[6]~~ *270-*
12 *A:6*, the court may revoke the New Hampshire registration certificate and the right to obtain such a
13 certificate for any ~~[houseboat or motor used for propelling such houseboat]~~ *boat* in violation of any of
14 the provisions of this chapter, for a period not to exceed one year from the date of conviction.

15 8 Effective Date. This act shall take effect January 1, 2014.

Amendments



Amendment to SB 103

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to beaching, grounding, or tying a boat to shore.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Chapter Heading Changed. The chapter heading of RSA 270-A is repealed and reenacted to
8 read as follows:

9

CHAPTER 270-A

10

BEACHING, GROUNDING, OR TYING A BOAT TO SHORE

11

12 2 New Paragraph; Definitions; Shorefront Property. Amend RSA 270-A:1 by inserting after
13 paragraph IV the following new paragraph:

14

15 V. "Shorefront property" means land with or without buildings or a section of a town
16 fronting or abutting a public body of water. "Shorefront property" shall not include a deeded right-
17 of-way nor shall it include land not contiguous to the shore with any with any other type of legal
18 shorefront access.

19

20 3 Beaching, Grounding, or Tying Permitted. Amend RSA 270-A:2 to read as follows:

21

22 270-A:2 Where ~~[Overnight Mooring]~~ **Beaching, Grounding, or Tying to Shore** Permitted. A
23 ~~[houseboat]~~ **boat** may be beached or grounded, or tied to the ~~[shore]~~ **shorefront property** of any of
24 the inland surface waters of the state ~~[for an overnight period, or any part of an overnight period,]~~
25 only when **the shorefront property is** ~~[on or at a location]~~ owned, leased, or otherwise under the
26 control of the owner or operator of ~~[the houseboat]~~ **said boat** or by permission of the owner, lessee,
27 or person otherwise in control of ~~[such location. An unoccupied houseboat may be anchored on the~~
28 ~~inland surface waters of the state for an overnight period, or any part of an overnight period, only in~~
29 ~~an area reasonably adjacent to a location owned, leased, or otherwise under the control of the owner~~
30 ~~or operator of the houseboat or by permission of the owner, lessee, or person otherwise in control of~~
31 ~~such location]~~ **said shorefront property. For the purposes of this chapter, property owned in**
32 **common by a condominium association or other group shall be deemed owned by the group**
and shall not convey any rights under this chapter to its individual members.

33

34 4 Overnight Mooring. Amend RSA 270-A:3 to read as follows:

35

36 270-A:3 Where Overnight Mooring Prohibited. No ~~[houseboat]~~ **boat** shall be beached or
37 grounded, or tied to the shore of any of the inland surface waters of the state for an overnight period

Amendment to SB 103

- Page 2 -



1 or any part of an overnight period, except as permitted in RSA 270-A:2 or in cases of emergency. No
2 [~~houseboat~~] *boat* shall be anchored on any of the inland surface waters of the state for an overnight
3 period or any part of an overnight period except as permitted in RSA 270-A:2 or in cases of
4 emergency.

5 5 Penalty. Amend RSA 270-A:5 to read as follows:

6 270-A:5 Penalty for Overnight Mooring at a Prohibited Location. If any person shall violate any
7 provision of this chapter relative to mooring a [~~houseboat~~] *boat* overnight in a prohibited location, he
8 *or she* shall be guilty of a violation. Each night of mooring a [~~houseboat~~] *boat* in a prohibited
9 location shall be considered a separate violation.

10 6 Additional Penalty. Amend RSA 270-A:7 to read as follows:

11 270-A:7 Additional Penalty. In addition to the penalties provided in RSA 270-A:5 and [6] 270-
12 A:6, the court may revoke the New Hampshire registration certificate and the right to obtain such a
13 certificate for any [~~houseboat or motor used for propelling such houseboat~~] *boat* in violation of any of
14 the provisions of this chapter, for a period not to exceed one year from the date of conviction.

15 7 Effective Date. This act shall take effect January 1, 2014.



2013-0412s

AMENDED ANALYSIS

This bill prohibits beaching, grounding, or tying a boat to shore on inland waters without the permission of the owner, lessee, or person in control of property fronting or abutting a public body of water.



Amendment to SB 103

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to beaching, grounding, or tying a boat to shore.

4
5 Amend the bill by replacing all after the enacting clause with the following:

6
7 1 Chapter Heading Changed. The chapter heading of RSA 270-A is repealed and reenacted to
8 read as follows:

9 CHAPTER 270-A

10 BEACHING, GROUNDING, OR TYING A BOAT TO SHORE

11 2 Definitions; Mooring. Amend RSA 270-A:1, IV to read as follows:

12 IV. "Mooring" means beaching, grounding, or tying of a houseboat to the shore of any of the
13 ~~[inland surface waters]~~ *public bodies of water* of the state, and the anchoring of a houseboat on
14 any of the ~~[inland surface waters]~~ *public bodies of water* of the state.

15 3 New Paragraph; Definitions; Shorefront Property. Amend RSA 270-A:1 by inserting after
16 paragraph IV the following new paragraph:

17 V. "Shorefront property" means land fronting or abutting a public body of water.
18 "Shorefront property" shall not include a deeded right-of-way nor shall it include land not contiguous
19 to the shore with any with any other type of legal shorefront access.

20 4 Beaching, Grounding, or Tying Permitted. Amend RSA 270-A:2 to read as follows:

21 270-A:2 Where ~~[Overnight Mooring]~~ *Beaching, Grounding, or Tying to Shore* Permitted. A
22 ~~[houseboat]~~ *boat* may be beached or grounded, or tied to the ~~[shore]~~ *shorefront property* of any of
23 the ~~[inland surface waters]~~ *public bodies of water* of the state ~~[for an overnight period, or any part~~
24 ~~of an overnight period,]~~ only when *the shorefront property is* ~~[on or at a location]~~ owned, leased, or
25 otherwise under the control of the owner or operator of ~~[the houseboat]~~ *said boat* or by permission of
26 the owner, lessee, or person otherwise in control of ~~[such location. An unoccupied houseboat may be~~
27 ~~anchored on the inland surface waters of the state for an overnight period, or any part of an~~
28 ~~overnight period, only in an area reasonably adjacent to a location owned, leased, or otherwise under~~
29 ~~the control of the owner or operator of the houseboat or by permission of the owner, lessee, or person~~
30 ~~otherwise in control of such location]~~ *said shorefront property. For the purposes of this*
31 *chapter, property owned in common by a condominium association or other group shall be*
32 *deemed owned by the group and shall not convey any rights under this chapter to its*



1 *individual members.*

2 5 Overnight Mooring. Amend RSA 270-A:3 to read as follows:

3 270-A:3 Where Overnight Mooring Prohibited. No [houseboat] *boat* shall be beached or
4 grounded, or tied to the shore of any of the [~~inland surface waters~~] *public bodies of water* of the
5 state for an overnight period or any part of an overnight period, except as permitted in RSA 270-A:2
6 or in cases of emergency. No [houseboat] *boat* shall be anchored on any of the [~~inland surface~~
7 ~~waters~~] *public bodies of water* of the state for an overnight period or any part of an overnight
8 period except as permitted in RSA 270-A:2 or in cases of emergency.

9 6 Penalty. Amend RSA 270-A:5 to read as follows:

10 270-A:5 Penalty for Overnight Mooring at a Prohibited Location. If any person shall violate any
11 provision of this chapter relative to mooring a [houseboat] *boat* overnight in a prohibited location, he
12 *or she* shall be guilty of a violation. Each night of mooring a [houseboat] *boat* in a prohibited
13 location shall be considered a separate violation.

14 7 Additional Penalty. Amend RSA 270-A:7 to read as follows:

15 270-A:7 Additional Penalty. In addition to the penalties provided in RSA 270-A:5 and [6] 270-
16 A:6, the court may revoke the New Hampshire registration certificate and the right to obtain such a
17 certificate for any [~~houseboat or motor used for propelling such houseboat~~] *boat* in violation of any of
18 the provisions of this chapter, for a period not to exceed one year from the date of conviction.

19 8 Effective Date. This act shall take effect January 1, 2014.



2013-0434s

AMENDED ANALYSIS

This bill prohibits beaching, grounding, or tying a boat to shore on a public body of water without the permission of the owner, lessee, or person in control of property fronting or abutting the body of water.

Committee Minutes

**SENATE CALENDAR NOTICE
TRANSPORTATION**

Senator Jim Rausch Chairman
 Senator Peggy Gilmour V Chairman
 Senator David Boutin
 Senator Nancy Stiles
 Senator David Watters

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 29, 2013

HEARINGS

Tuesday

2/5/2013

TRANSPORTATION

LOB 103

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM	SB84	relative to road toll administration and relative to motor vehicles carrying property for hire.
1:15 PM	SB85	relative to commercial motor vehicle operation.
1:45 PM	SB103	establishing a committee to study the definition of houseboats and mooring and beaching regulation for houseboats.
2:15 PM	SB115	naming a bridge in the town of Whitefield.

Sponsors:

SB84

Sen. Jim Rausch
Rep. David Campbell

Sen. Peggy Gilmour
Rep. John Graham

Sen. David Boutin
Rep. Gene Chandler

Sen. Nancy Stiles

SB85

Sen. Jim Rausch

Sen. Peggy Gilmour

Sen. David Boutin

SB103

Sen. Jeb Bradley
Rep. Mark McConkey

Sen. Bob Odell
Rep. Harry Merrow

Sen. Sam Cataldo
Rep. Christopher Ahlgren

Sen. Martha Fuller Clark

SB115

Sen. Jeff Woodburn
Rep. Herbert Richardson

Rep. Gene Chandler

Rep. Leon Rideout

Rep. Ralph Doolan

SENATE TRANSPORTATION COMMITTEE

Jennifer Horgan, Legislative Aide

SB 103 – establishing a committee to study the definition of houseboats and mooring and beaching regulation for houseboats.ions rrelative to commercial motor vehicle operation.

Hearing Date: February 5, 2013

Time Opened: 1:45pm

Time Closed: 2:13pm

Members of the Committee Present: Senators Rausch, Gilmour, Boutin, Stiles, Watters

Members of the Committee Absent: No one

Bill Analysis: This bill establishes a committee to study the definition of houseboats and mooring and beaching regulation for houseboats.

Sponsors: Sen. Bradley, Dist 3; Sen. Odell, Dist 8; Sen. Cataldo, Dist 6; Sen. Fuller Clark, Dist 21; Rep. McConkey, Carr 3; Rep. Mellow, Carr 5; Rep. Ahlgren, Carr 6

Who supports the bill: Senator Bradley, Senator Cataldo, Joseph Barbone

Who opposes the bill: No one

Summary of testimony presented in support:

Senator Bradley:

- Met a gentleman that owns property on Lake Ossipee and spoke about the experience that he and other homeowners have with people claiming their boats as houseboats by using an exemption in the law in order to circumvent the states mooring laws. He was told by Safety Services there is nothing under the current law to rectify the situation and that if a boat has even temporary sleeping accommodations and facilities it can be categorized as a houseboat, and therefore circumvents docking and mooring requirements.
- Requesting a committee to take a second look at defining what a houseboat is.
- Senator Rausch asked that instead of a committee, if changing the current statute regarding the definition would be better and Senator Bradley said he would welcome that change.

Joseph Barbone (distributed personal photos from Lake Ossipee)

- The law currently says there is no overnight mooring in NH, however there is an exception for houseboats, allowing you to beach them or tie them to the shore. On Ossipee there are individuals using that exemption to take any kind of boat and put them on the beach or moor them overnight with no regulatory repercussions, by having temporary facilities on them.
- People who own a right-of-way, which tend to be narrow, leave their boats there, while claiming they are houseboats, blocking other boaters. These boats are there the entire season and are circumventing the intent of the law.
- The senators discussed some of the photos with Mr. Barbone to clarify what the situation is: what boats are being deemed houseboats, where they are being moored and beached, and the fact that these boats are not being used as actual houses.
- Senator Rausch asked if there are mooring fields available and Mr. Barbone said that there is one at a camp near his residence.

Summary of testimony presented in opposition:

- None

Summary of testimony presented neutrally:

Dave Oulette (NH Marine Patrol)

- The definition is flawed and has not been written quite tight enough.
- Senator Rausch requested that the department look into possible changes to the current law that would address this matter now rather than going to a study committee.
- Senator Stiles asked if he is aware of this going on in other areas and Mr. Oulette responded that it has been a problem on other bodies where this has been brought to their attention.

Fiscal Note: N/A

Future Action: The Committee took the bill under advisement.

JCH

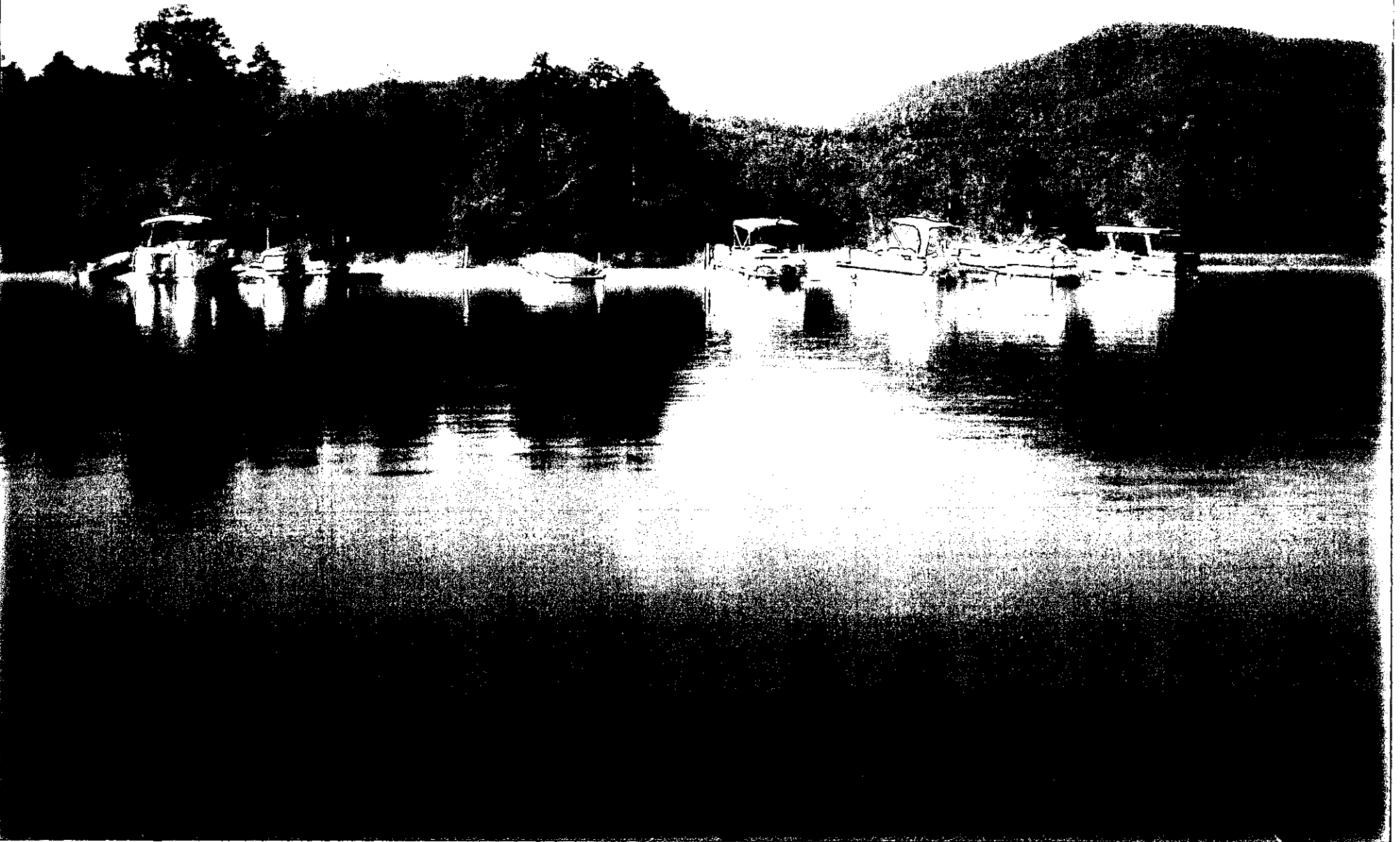
Date hearing report completed: 02/06/13

[file: SB103 report]

Speakers

Testimony

8/20/12



Taken 8/20/12



Tuhan 6/21/12



Taken 6/17/12





Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: 02/20/2013

THE COMMITTEE ON Transportation

to which was referred Senate Bill 103

AN ACT establishing a committee to study the definition of
houseboats and mooring and beaching regulation for
houseboats.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0469s

CONSENT CALENDAR VOTE: 5-0

Senator Jim Rausch for the Committee

The original intent of this bill was to establish a committee to study the definition of houseboats and mooring and beaching regulation for houseboats. The Committee amended the bill, with the help of Marine Patrol Safety, to change the current statute to address some of the issues brought forward that the committee would have been tasked to study.

Jennifer Horgan 271-3091

New Hampshire General Court - Bill Status System

Docket of SB103

Docket Abbreviations

Bill Title: (New Title) relative to beaching, grounding, or tying a boat to shore.*Official Docket of SB103:*

Date	Body	Description
1/3/2013	S	Introduced and Referred to Transportation; SJ 4
1/29/2013	S	Hearing: 2/5/13, Room 103, LOB, 1:45 p.m.; SC7
2/20/2013	S	Committee Report: Ought to Pass with Amendment #2013-0469s, NT, 3/7/13; Vote 5-0; CC; SC10
3/7/2013	S	Committee Amendment 0469s, NT, AA, VV
3/7/2013	S	Ought to Pass with Amendment 0469s, NT, MA, VV; Refer to Finance Rule 4-5
3/13/2013	S	Committee Report: Ought to Pass, 3/21/13; SC12
3/21/2013	S	Special Order SB 103 to 3/28/13, Without Objection, 2/3 Necessary, MA; VV;
3/21/2013	S	Committee Report: Ought to Pass, 3/28/13; SC13
3/28/2013	S	Ought to Pass Not Voted On
3/28/2013	S	Sen. Odell Moved Laid On Table, MA, VV;

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB103 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

_____ PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:


- AMENDMENT # 0412s _____ - AMENDMENT # _____
 - AMENDMENT # 0434s _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
_____ FINAL VERSION AS AMENDED BY THE SENATE

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 7/23/13


BY COMMITTEE AIDE