

Bill as  
Introduced

HB 244 - AS INTRODUCED

2019 SESSION

19-0265  
11/05

HOUSE BILL           **244**

AN ACT               repealing the moorings appeals board.

SPONSORS:          Rep. Webb, Rock. 6

COMMITTEE:         Resources, Recreation and Development

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ANALYSIS

This bill repeals the moorings appeals board and provides for appeals to be made directly to the commissioner of the department of safety.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT repealing the moorings appeals board.

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

1 1 Mooring of Boats on Public Waters; Removal of Moorings; Appeals. Amend RSA 270:66, II to  
2 read as follows:

3 II. The director or his agents shall remove or cause the removal of a mooring and any boat  
4 attached to it when the removal of the mooring, mooring component, or boat is authorized under  
5 paragraph I. The person who ~~[owns or]~~ controls the mooring shall have the right to request a  
6 hearing before the ~~[appeals board as established in]~~ **commissioner of the department of safety**  
7 **pursuant to** RSA 270:69.

8 2 Mooring of Boats on Public Waters; Appeals of Moorings Decisions. Amend RSA 270:69 to  
9 read as follows:

10 270:69 Appeals ~~[Board Established]~~. ~~[There is hereby established a moorings appeals board~~  
11 ~~which]~~ **The commissioner of the department of safety** shall hear and decide appeals of any  
12 decisions made under this subdivision. The ~~[moorings appeals board]~~ **commissioner** shall conduct  
13 ~~[its]~~ **appeals** hearings according to the provisions of RSA 541-A for adjudicative proceedings. ~~[The~~  
14 ~~board shall consist of 3 persons to be nominated by the governor with approval of the council for~~  
15 ~~terms of 3 years each. The initial appointments to the board shall be in staggered terms as~~  
16 ~~determined by the governor and council.]~~

17 3 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 80  
HB 244 - FINAL VERSION

2019 SESSION

19-0265  
11/05

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AN ACT                repealing the moorings appeals board.

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CHAPTER 80  
HB 244 - FINAL VERSION

19-0265  
11/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT                    repealing the moorings appeals board.

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

1            80:1 Mooring of Boats on Public Waters; Removal of Moorings; Appeals. Amend RSA 270:66, II  
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5 paragraph I. The person who ~~[owns or]~~ controls the mooring shall have the right to request a  
6 hearing before the ~~[appeals board as established in]~~ **commissioner of the department of safety**  
7 **pursuant to RSA 270:69.**

8            80:2 Mooring of Boats on Public Waters; Appeals of Moorings Decisions. Amend RSA 270:69 to  
9 read as follows:

10           270:69 Appeals ~~[Board Established]~~. ~~[There is hereby established a moorings appeals board~~  
11 ~~which]~~ **The commissioner of the department of safety** shall hear and decide appeals of any  
12 decisions made under this subdivision. The ~~[moorings appeals board]~~ **commissioner** shall conduct  
13 ~~[its]~~ **appeals** hearings according to the provisions of RSA 541-A for adjudicative proceedings. ~~[The~~  
14 ~~board shall consist of 3 persons to be nominated by the governor with approval of the council for~~  
15 ~~terms of 3 years each. The initial appointments to the board shall be in staggered terms as~~  
16 ~~determined by the governor and council.]~~

80:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 18, 2019

Effective Date: August 17, 2019

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Executive Departments and Administration**

Sen Sharon Carson, Chair  
Sen Kevin Cavanaugh, Vice Chair  
Sen Cindy Rosenwald, Member  
Sen Shannon Chandley, Member  
Sen John Reagan, Member

Date: April 16, 2019

**HEARINGS**

Wednesday	05/01/2019	
(Day)	(Date)	
Executive Departments and Administration	LOB 101	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. <b>HB 112</b>	relative to the mechanical licensing board.	
9:15 a.m. <b>HB 127</b>	relative to the board of medicine and the medical review subcommittee.	
9:30 a.m. <b>HB 138</b>	relative to rules pertaining to marine species managed under the Magnusson-Stevens Fishery Conservation and Management Act.	
9:40 a.m. <b>HB 244</b>	repealing the moorings appeals board.	

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 112**

Rep. McGuire  
Sen. Carson

Rep. P. Schmidt

Rep. S. Beaudoin

Sen. Reagan

**HB 127**

Rep. Champion

Rep. Fothergill

Rep. Weber

Sen. Feltes

**HB 138**

Rep. Webb

Rep. L'Heureux

**HB 244**

Rep. Webb

Jennifer Horgan 271-2609

Sharon M Carson  
Chairman

**Senate Executive Departments and Administration  
Committee**

*Jennifer Horgan 271-2609*

**HB 244**, repealing the moorings appeals board.

**Hearing Date:** May 1, 2019

**Time Opened:** 9:44 a.m.

**Time Closed:** 9:48 a.m.

**Members of the Committee Present:** Senators Carson, Cavanaugh, Rosenwald, Chandley and Reagan

**Members of the Committee Absent :** None

**Bill Analysis:** This bill repeals the moorings appeals board and provides for appeals to be made directly to the commissioner of the department of safety.

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**Sponsors:**  
Rep. Webb

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**Who supports the bill:** Lt. Crystal McLain, NH Department of Safety

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

Lieutenant Crystal McLain (NHDOS-Marine Patrol)

- There are eight lakes in NH where property owners are required to get a permit in order to get a mooring.
- A mooring is a different way to keep a boat from moving instead of a dock.
- There is a moorings application permit process where the property owner applies for a permit.
- The appeals board is only designated to hear appeals of denials.
- Over the past 15years there has only been one request of the board and it was not heard by them because it was on a revocation and not a denial.
- All three members of the board are deceased, and the governor has not nominated anyone to replace them.
- Under this bill, appeals would go through the Department of Safety's hearings process as established by RSA 541-A, where appeals would be heard by an attorney.

**Summary of testimony presented in opposition:**

None

jeh  
Date Hearing Report completed: May 3, 2019



# Speakers



# Testimony

Voting Members:

**David Packard**  
Chair  
NH Lakes Assn.

**Bruce Allen**  
Conservation  
Commissions

**Mark Borrin**  
Tourism Industry

**Shane Bradt**  
Scientific Community

**Edmund Crawford**  
Marine Trades  
Association

**Tiffany Grade**  
Conservation  
Community

**Janet Kidder**  
Planning Boards

**Frank Lemay**  
NH BIA

**Lisa Morin**  
State Conservation  
Committee

**Rex Norman**  
Municipal Official

**Dick Smith**  
Fishing Interests

**Bruce Temple**  
NH Fish & Game  
Commission

**Mary Truell**  
NH Association of  
Realtors

Non-Voting Members:

**Garret Graaskamp**  
Vice Chair  
NH Fish & Game Dept.

**Capt. Tim Dunleavy**  
NH Dept. of Safety

**Eric Feldbaum**  
NH Dept. of Natural and  
Cultural Resources

**Jennifer Gilbert**  
NH Office of Strategic  
Initiatives

**Mark Hemmerlein**  
NH Dept. of Trans.

**David Rousseau**  
NH Dept. of  
Ag, Markets & Food

Staff:

**Tracie Sales**  
Program Manager

**Jen Drociak**  
Watershed Coordinator

**Mariah Mitchell**  
Program Assistant

N.H. Lakes Management and Protection Program  
**N.H. Lakes Management Advisory Committee**

May 1, 2019

The Honorable Sharon Carson, Chair  
Senate Executive Departments and Administration Committee  
Legislative Office Building, Room 101  
Concord, NH 03301

**RE: HB 244 *An act repealing the moorings appeals board.***

Dear Chair Carson and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) appreciates the opportunity to comment on House Bill 244, which eliminates the current moorings appeals board and instead assigns mooring appeals directly to the commissioner of the department of safety. The LMAC supports this bill with the following comments and concerns.

The LMAC understands that there has not been an appeal to the moorings appeals board in 12 years and that all three members of the moorings board are now deceased. Based on testimony presented at the January 16 LMAC meeting from persons believed to be knowledgeable of the bill's language and intent, it was the LMAC's understanding that HB 244 would assign mooring appeals to the Department of Safety's adjudicative appeals board. In this context the LMAC members voted for, and previously issued a letter in support of HB244.

The LMAC supports language in HB 244 to eliminate an inactive board. The LMAC supports replacing that board with an appeals process that recognizes and considers the wide range of issues that play a role in the safe, equitable, and potentially environmentally sensitive conditions associated with mooring fields. To this end, the LMAC understands that a mechanism for moorings permits, hearings, and appeals already exists at the Department of Safety which conducts its hearings according to provisions of RSA 541-A for adjudicative hearings.

The LMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483-A, the Lakes Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members representing academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government as well as several state agencies. Among its other responsibilities, the LMAC reviews legislation relevant to the Program and the state's lakes and ponds, and advises the NHDES Commissioner on the merits of such legislation.

The Honorable Sharon Carson  
Chair, Senate Executive Departments and Administration Committee  
HB 244 May 1, 2019  
Page 2

In conclusion, the LMAC supports language in HB 244 to eliminate an inactive board, and requests that HB 244 clearly delegate the appeals process to the Department of Safety adjudicative hearings process.

Should you have further questions about this testimony, please feel free to contact me at (603) 867-9299 or [appliedforce52@gmail.com](mailto:appliedforce52@gmail.com).

Sincerely,



David Packard  
Chair

cc: Rep. James Webb  
LMAC Representatives  
Robert R. Scott, Commissioner, NHDES  
Thomas O'Donovan, Director, Water Division, NHDES  
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES  
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

# Voting Sheets

# Senate Executive Departments and Administration Committee

## EXECUTIVE SESSION

Bill # AB244

Hearing date: \_\_\_\_\_

Executive session date: \_\_\_\_\_

Motion of: OTP

VOTE: SO

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input type="checkbox"/>	Chandley <input checked="" type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input checked="" type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

Motion of: Consent

VOTE: SO

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input type="checkbox"/>	Chandley <input checked="" type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input checked="" type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Carson, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cavanaugh, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chandley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Reagan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_

# Committee Report



STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Thursday, May 2, 2019

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 244**

AN ACT

repealing the moorings appeals board.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Shannon Chandley  
For the Committee

This bill repeals the Moorings Appeals Board and provides for appeals to mooring decisions to be made directly to the commissioner of the Department of Safety. Since the Moorings Appeals Board has not taken up an appeal in the last fifteen years, it is appropriate to move this process to of the Commissioner's Office.

Jennifer Horgan 271-2609

FOR THE CONSENT CALENDAR

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 244**, repealing the moorings appeals board.

Ought to Pass, Vote 5-0.

Senator Shannon Chandley for the committee.

This bill repeals the Moorings Appeals Board and provides for appeals to mooring decisions to be made directly to the commissioner of the Department of Safety. Since the Moorings Appeals Board has not taken up an appeal in the last fifteen years, it is appropriate to move this process to of the Commissioner's Office.

**Docket of HB244**

Docket Abbreviations

**Bill Title:** repealing the moorings appeals board.*Official Docket of HB244.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/27/2018	H	<b>Introduced</b> 01/02/2019 and referred to Resources, Recreation and Development <b>HJ 2 P. 42</b> .
1/23/2019	H	Public Hearing: 01/29/2019 11:30 am LOB 305
2/15/2019	H	Executive Session: 03/05/2019 01:00 pm LOB 305
3/11/2019	H	Committee Report: Ought to Pass for 03/19/2019 <b>(Vote 17-0; CC) HC 16 P. 11</b>
3/19/2019	H	<b>Ought to Pass:</b> MA VV 03/19/2019 <b>HJ 10 P. 30</b>
3/29/2019	S	Introduced 03/28/2019 and Referred to Executive Departments and Administration; <b>SJ 12</b>
4/16/2019	S	<b>Hearing:</b> 05/01/2019, Room 101, LOB, 09:40 am; <b>SC 19</b>
5/2/2019	S	Committee Report: Ought to Pass, 05/15/2019; Vote 5-0; CC <b>SC 22</b>
5/15/2019	S	<b>Ought to Pass:</b> MA, VV; OT3rdg; 05/15/2019; <b>SJ 16</b>
5/31/2019	S	Enrolled (In recess 05/30/2019); <b>SJ 19</b>
5/31/2019	H	Enrolled 05/23/2019 <b>HJ 16 P. 51</b>
6/20/2019	H	Signed by Governor Sununu 06/18/2019; Chapter 80; Eff: 08/17/2019

NH House

NH Senate

# Other Referrals

## Senate Inventory Checklist for Archives

Bill Number: HB 244

Senate Committee: E, D + A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

\_\_\_ as amended by the senate      \_\_\_ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office JM