

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 594-FN, eliminating the use of agitators in instances where temporary docks have been removed from bodies of water.

Hearing Date: February 10, 2026

Time Opened: 9:52 a.m.

Time Closed: 10:05 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill eliminates the use of certain agitators in instances where temporary docks have been removed from bodies of water.

Sponsors:

Sen. Birdsell

Sen. Lang

Sen. Gannon

Rep. Lynn

Rep. L. Walsh

Rep. Kuttab

Who supports the bill: 102 Individuals signed in support of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: 1 Individual signed in opposition of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who is neutral on the bill: 3 Individuals signed neutral on the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Senator Regina Birdsell, District 19

- Senator Birdsell introduced the bill, explaining that it stemmed from a constituent concern. The legislation would eliminate the use of agitators in situations where docks have been removed from the water.
- She explained that under current statute, bodies of water smaller than 1,000 acres are required to have docks removed. However, property owners often install agitators, and there is no requirement that those agitators also be removed. As a result, while the docks are taken out, the agitators remain in operation.

- She noted that this practice can create areas of thin ice, posing a potential safety hazard.

Senator Rosenwald asked whether an agitator could still be used if it was part of a permanent structure, and whether, in that case, the owner would be required to move the agitator into the boathouse.

Senator Birdsell responded that if the agitator is part of a permanent structure, then it would still be allowed to remain in the water. However she explained that if it is a temporary dock, then you would have to remove the agitator as well as the dock during the winter.

Senator Rosenwald asked if people have two agitators.

The Department of Environmental Services said yes.

Maria Giakoumakis,

- Ms. Giakoumakis testified about the public safety and environmental concerns related to contradictory laws. She noted that while docks are required to be removed on lakes under 1,000 acres, RSA 270 currently allows agitators, creating what she described as a dangerous gap in the law.
- She explained that if docks must be removed to protect public safety, then agitators should also be removed, because they prevent the lake from freezing solid. She shared that her son fell through the ice in an area affected by an agitator, an incident that could have been fatal.
- In addition to the safety risk, she described environmental impacts, including an increase in invasive aquatic plants due to incomplete ice cover. She urged the committee to support the bill and allow it to pass.

Tim Dunleavy, Marine Patrol and Department of Safety

Mr. Dunleavy said they did not take a position on the bill; however, he explained that their agency is responsible for enforcing regulations on aquatherms and preventing ice buildup around structures on New Hampshire waters. He was there to answer any questions the committee had.

Senator Watters asked whether, if enacted, the bill would create any problems for the agencies in carrying out enforcement.

Mr. Dunleavy responded that there would be no problems, as the agencies are already operating in the same manner.

Senator Rosenwald asked whether New Hampshire law specifies a required distance that agitators must be placed from a boathouse to protect it.

Mr. Dunleavy explained that the size of the water body does not affect the statute. Owners of permanent structures are responsible for managing ice around their property. Once the lake is frozen, it effectively becomes a public roadway, and the agency can only regulate issues when the boundary reaches private property. They

noted particular concern with absentee owners who leave their devices running. Open water can expand, creating hazards, and there are multiple examples where larger areas of open water have posed safety risks.

Andrea LaMoreaux, NH Lakes

- She expressed support for the bill, citing safety and ecological concerns. She explained that opening up water in winter can lead to multiple problems and emphasized that this is a statewide issue.

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Date Hearing Report completed: February 13, 2026