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**WATERCRAFT SAFETY EDUCATION PLAN -
A REPORT TO THE JOINT STANDING COMMITTEE ON
INLAND FISHERIES AND WILDLIFE
124TH LEGISLATURE**

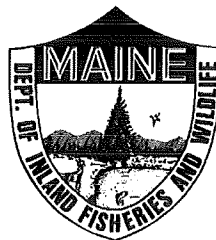


Resolve, Chapter 76, to Develop a Watercraft Safety Education Plan

Submitted by: Roland D. Martin, Commissioner

Presented by: Michael Sawyer, Supervisor, Recreational Safety Division

January 2010



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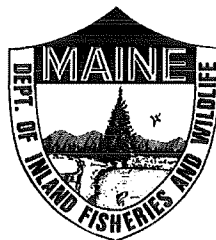


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Submitted by: Roland D. Martin, Commissioner

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Watercraft Safety Education Plan

12/30/2009

This report is submitted pursuant to the requirements outlined in **Resolve Chapter 76, 124th Maine Legislature – To Develop a Watercraft Safety Education Plan**. A copy of the resolve is attached.

Background: Boater education in Maine has been provided for many years on a voluntary basis via classroom programs offered by the Dept. of Inland Fisheries & Wildlife, the U. S. Coast Guard Auxiliary, and the U.S. Power Squadrons. However attendance has been low due to the lack of a requirement for certification in this educational endeavor.

The staff at Inland Fisheries & Wildlife (in both the Recreational Safety Unit and the Warden Service) has been involved in numerous proposals and reviews of instituting a requirement for boater operator education over the past twelve years. These discussions and research have involved members of the Coast Guard Auxiliary, Power Squadrons, the Maine Marine Patrol, the National Assoc. of Boating Administrators (NASBLA), education product vendors, and other interested parties.

A project in 2006 that studied the Safety Education Program concept was conducted at the request of the Legislature and the results reported in February 2007 to the Fish & Wildlife committee. The working group analyzed national and Maine boating accident data as well as boater education program information. Their findings recommended that boater education is very effective in reducing boating incidents and that a mandate for a training program is warranted here in the state.

Present education effort:

I F&W:	2005	24 classes - 220 students	2008	37 classes – 645 students
	2006	21 classes – 232 students	2009	45 classes – 686 students
	2007	36 classes – 554 students		

Total students since records have been kept: 7743

Note: the increase in students starting in 2007 has resulted from scholarships for attendance at boating classes at the two conservation camps, increased discussion of a requirement here in Maine, and the mandate for boater education in New Hampshire. (See attached summary of effort)

USCGA:	2008	n/a	2009	156
USPS:	2008	n/a	2009	154

Actions for this report:

During the summer and fall of 2009, a committee of staff members began discussing issues relating to delivery of a watercraft education program. They evaluated delivery methods and discussed the probable workload demands. Those members were asked to develop a plan for their individual regions that addressed instructor and course sponsor recruitment, proctored exam sites, and increased workload. I have attached a couple of sample regional plans.

A meeting was held with the present course supplier to review student and instructional material and delivery methods for boater and paddle sport operator education. Especially important in this meeting, was a review of the online program with time management delivery that has been developed in the past year. NASBLA is in the process of reviewing and adopting requirements for online courses that will require time-managed study and testing.

The Recreational Safety unit supervisor reviewed material from past studies in the state, updated budgets, contacted both USCGA and USPS education liaisons to discuss delivery effort and future capacity for such, and discussed & reviewed implementation issues with the staff committee.

A meeting of interested stakeholders including other course providers was held in December to review findings, discuss implantation scenarios, budget implications, and proposed legislation.

Summary of Findings:

- A) Watercraft education courses should be both NASBLA and State of Maine approved. Certification from a boater education course from another state would be acceptable provided it is NASBLA approved.
- B) In order to decrease boating incidents, a mandatory boater education program is desired for operators of watercraft in Maine.
- C) Education courses could be delivered in the classroom or via a time managed online program.
- D) It is felt that there will basically be a 50/50 split for course demand on traditional classroom and on line delivery. Based on the use of Internet study for Hunter Education being limited, the demand on classroom delivery may be higher than 50%.
- E) The examination component of any course would be a written proctored exam approved by Inland Fisheries and Wildlife
- F) If certification is required for paddle sport operators, NASBLA will require a separate 3-hour program to be developed.
- G) If increased awareness is desired for paddle sport operators without certification in that sport, the basic boater education course can be enhanced with some minimal material and time.
- H) If a permanent card is issued for all graduates by the state, then there will be increased workload and expense.
- I) If it is the desire that there be a permanent repository for information on all graduates and that IF&W can issue duplicates, there will be an increased financial burden.
- J) There will a definite workload burden on the Recreational safety unit for course delivery, instructor recruitment and training, program oversight, record keeping, etc. that will require additional staffing and financial commitment.
- K) An implementation period to include 2 to 3 years before the effective date of a requirement would allow a reasonable time for program enhancements to be put in place and increased course delivery to begin.

L) That while a mandate for all age of operators is desirable, it is not feasible due to the huge demand and expense and would receive a lot of opposition. A requirement that has a "born after date" approach would be the most reasonable.

Considerations:

- A) The United States Coast Guard has listed mandatory boater education as a strategic goal and top priority.
- B) States that have enacted mandatory education have observed declines in boater accidents.
- C) The merits of boater education parallel those of hunter education whereby Maine and other states have seen a dramatic decline in deaths and injuries once hunters were required to attend training.
- D) People engaged in various maritime endeavors on a commercial basis are required to have training in their respective undertakings.
- E) Boater education is mandatory in some form in most states and in all of Canada.

Costs of proposed boater education program:

Personal Services:

2 – Recreational Safety coordinators @1040 hr. ea \$ 52,000

* In addition utilize unused staff hours currently budgeted & now funded by I & E Budget

All Other:

Clerical – contractual (26 weeks x 24 hr x \$15)	9,360
Staff Travel	7,500
General Operations – printing, material (3000 stu.@ \$6)	18,000
Supplies & Postage	7,500
Telephone & Computer	2,500
Permanent Graduation Card (all students – 7,500)	11,250 *
Internet course provision	<u>12, 500</u>
Total All Other	68, 610

Total Program Costs 120,610

(* 3000 – online, 3000 - classroom F&W, 1500- other providers)

Possible Program Funding Sources:

- A) Increased boat registration fees (\$1.00/boat = \$125,000 approx.)
- B) Student Fees (6000 X ?? \$\$- both classroom and Internet)
- C) Permanent Card Fee
- D) On line Fee for participant (no net cost to state for Internet delivery)
- E) Combination of above

Sample legislation:

Background considerations:

- A) Implementation period – allow time for instructor recruitment & training, additional sponsor recruitment, vendor selection for online delivery, and allow for a reasonable time for first large influx of students to complete certifications.
- B) Allow for operation for minors under supervision.
- C) Allow for operation of watercraft by renters, new boat owners, and people vacationing in the state for a minimal amount of time without requiring immediate certification.
- D) Minimize impact of mandate on present boating public by not requiring all boaters to complete training.
- E) Spread costs of implementation over multiple years but provide for program income before final date of implementation.

Summary of Recommendations:

- A) Each region of the Recreational Safety Unit will identify instructor needs, instructor recruitment and training plans, and identify sponsors for both classroom and proctored exam sites.
- B) Each region would increase course availability beginning as early as 2010. It would also be logical that student numbers per course would increase significantly providing efficiency compared to the present norm.
- C) The Recreational Safety unit will select a vendor to provide on line training and make that available by 2011.
- D) The USGA and USPS units will be available to train more students through more courses and increased attendance per course. They would provide their course schedule information to IF&W on a timely basis for publication and provide results from each class to the Recreational Safety unit after completion.
- E) The Information and Education unit @ Inland Fisheries and Wildlife will assist in publicity regarding training requirements, course availability, and the merits of the program.
- F) The Maine Warden Service and the Maine Marine Patrol would be available to assist with training of instructors, public outreach, and when possible with course or exam delivery.
- G) The Recreational Safety unit would monitor training statewide and oversee adjustments in delivery of training and testing to maximize delivery and completion of training. Annual reports of activities and progress will be made available for review.

- H) Increase the instruction in paddle sports in the current boater education course but do not require a separate NASBLA requirement.
- I) Develop a voluntary paddle sports awareness program in order to broaden the knowledge of participants.
- J) J) Mandate education beginning January 1, 2014 starting with 18 years of age and under by implementing a born after date provision.
- K) Implement funding mechanism (s) beginning July 1, 2012 in order to provide funds to cover course costs.

An Act To Increase Youth Boating Safety

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §13056, sub-§1-C is enacted to read:

1-C. Operating with temporary boating safety certificate. The commissioner may issue a nonrenewable temporary boating safety certificate with the issuance of the identification number and validation stickers under subsection 1-B. The temporary boating safety certificate is valid for 90 days.

Sec. 2. 12 MRSA §13074 is enacted to read:

§ 13074. Boating safety

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Noncommercial motorboat" means a motorboat registered in the State or a federally documented motorboat being operated within the waters of the State when the operator is not engaged in a commercial activity licensed by a municipal or state government or the Federal Government.

2. Requirements. A person born after January 1, 1996 may not operate a noncommercial motorboat on any waters of the State unless the person:

A. Completes and passes a boating safety course approved by a national association of state boating law administrators or any other course with equivalent standards approved by the commissioner;

B. Possesses a valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 Code of Federal Regulations, Part 10 (2007) or a marine certificate issued by the Canadian government;

C. Is operating a noncommercial motorboat under a supervised program or activity at a youth camp licensed under M.R.S.A. Title 22, section 2495, is being trained by a person qualified under paragraph A or B or if under 16 years of age is under the direct supervision of a parent or guardian and the noncommercial motorboat has less than 10 horsepower;

D. Possesses a temporary boating safety certificate issued by the commissioner pursuant to section 13056, subsection 1-C to operate the noncommercial motorboat and the certificate of number for the noncommercial motorboat if the noncommercial motorboat is new or was sold with a transfer of ownership;

E. Is operating a noncommercial motorboat while in possession of a rental or lease agreement from a motorboat rental or leasing business that lists the person as the authorized operator of that motorboat for a period of not more than 60 days;

F. Demonstrates that the person is not a resident and meets any applicable boating safety requirements and provides proof of training from the state of residency or possesses a Canadian pleasure craft operator's card; or

G. Has assumed operation of the noncommercial motorboat due to the illness or physical impairment of the initial operator and is returning the vessel to shore.

3. Proof of compliance. A person born after January 1, 1996 who operates a noncommercial motorboat on any waters of the State must present evidence at the request of a law enforcement officer that the person has complied with this section. A licensed Maine guide may request proof of compliance with this section from that guide's clients or customers.

4. Program implementation; rules. The commissioner and the Commissioner of Marine Resources shall jointly implement a recreational boating safety education program, referred to in this subsection as "the program." The commissioner and the Commissioner of Marine Resources shall:

A. Include in the program the level of recreational boating safety education provided by section 13071-A, subsection 5;

B. Identify recreational boating safety education programs approved by a national association of state boating law administrators and certified for use in the State, including, but not limited to, programs provided by the United States Coast Guard Auxiliary and a national boating safety organization;

C. Issue temporary boating safety certificates to purchasers of new and used motorboats at the time of issuance of identification numbers and validation stickers pursuant to section 13056, subsection 1-C;

D. Issue certificates to noncommercial motorboat operators for compliance with the program when those operators have successfully taken equivalency examinations for boating safety education in lieu of taking boating safety courses; and

E. Jointly develop rules for program implementation and maintenance.

5. Rules. In developing the rules pursuant to subsection 4, the commissioner and the Commissioner of Marine Resources shall consult and coordinate with the boating public and professional organizations for recreational boating safety and the boating business community. The rules may address, but are not limited to, the following:

A. Compliance and enforcement procedures;

B. Making courses available statewide, including through the Internet;

C. Acceptance of certificates, issued by recreational boating safety education courses approved by a national association of state boating law administrators and certified for use in the State, to document successful course completion;

D. Issuance of duplicate certificates and recordkeeping by approved providers of boating safety education;

E. Requirements for course providers and instructor certification;

F. Examination criteria; and

G. Establishment of fees to offset the program costs for offering courses, offering and proctoring of examinations, issuance of temporary certificates and issuance of certificates for successful completion of examinations.

The commissioner and the Commissioner of Marine Resources shall establish procedures and create any necessary forms to meet the requirements for motorboat rental and leasing businesses and the issuance of temporary boating safety certificates pursuant to section 13056, subsection 1-C.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6. Violation. A person who violates this section:

A. Commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged; and

B. After having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period, a fine of not less than \$500 shall be adjudged.

Sec. 3. Effective date. This Act takes effect January 1, 2014.

SUMMARY

This bill requires demonstration of successful completion of an approved course in boating safety for all youth noncommercial motorboat users born after January 1, 1996. The bill authorizes the Commissioner of Inland Fisheries and Wildlife to issue temporary boating safety certificates that are valid for 90 days with the issuance of the identification number and validation stickers. The bill requires that a person born after January 1, 1996 must present evidence of completion of a boating safety course if requested by a law enforcement officer. The bill also requires the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to jointly adopt rules to implement the bill and makes violating the boating safety requirements a civil violation. This bill also directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to implement a recreational boating safety education program.

	2/1/10									
BOATING COURSES										
COURSES-STUDENTS										
	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>	<u>2003</u>	<u>2002</u>	<u>2001</u>	<u>2000</u>
<u>ANDROS.</u>	1-15	0-0	0-0	0-0	0-0	0-0	1-5	0-0	0-0	3-7(2)
<u>AROOS.</u>	4-13***	0-0	2-12(1)	0-0	0-0	0-0	0-0	3-10(2)	0-0	1-0(1)
<u>CUMB.</u>	6-49	2-12	3-28	2-6	2-5(1)	1(1)	4-46	4-21(2)	3-24(1)	3-23(1)
<u>FRANKLIN</u>	0-0	0-0	0-0	1-0*	1-5	0-0	0-0	0-0	0-0	0-0
<u>HANCOCK</u>	1-12	1-16	2-24	0-0	1-6	0-0	0-0	0-0	0-0	0-0
<u>KENNEBEC</u>	3-19	6-83(1)	4-98	1-0(1)	2-20(1)	3-35	2-15	3-26(1)	9-144*	1-29
<u>KNOX</u>	0-0	0-0	0-0	0-0	0-0	0-0	0-0	1-0(1)	0-0	0-0
<u>LINCOLN</u>	1-18	2-46	0-0	1-21	2-69	2-63	1-11	1-13	0-0	0-0
<u>OXFORD</u>	9-162	10-129(2)	13-235(2)*	5-68	11-68(5)	1-11	1-4	1-0(1)	0-0	0-0
<u>PENOBSCOT</u>	4-15**	5-18(3)	3-12(1)	1-11	2-7	3-8(1)	2-5(1)	5-51(1)	8-80(3)	4-54
<u>PISCATAQUIS</u>	1-4	1-4	1-0(1)	1-7	0-0	1-(1)	1-6	1-0(1)	1-0(1)	0-0
<u>SAGADAHOC</u>	2-25	0-0	1-0(1)	2-0(2)	1-0(1)	1(1)	1-0(1)	1-9	1-0(1)	0-0
<u>SOMERSET</u>	0-0	0-0	0-0	0-0	0-0	0-0	1-0(1)	0-0	0-0	0-0
<u>WALDO</u>	0-0	1-0(1)	0-0	0-0	0-0	0-0	1-0(1)	1-0(1)	0-0	0-0
<u>WASHINGTON</u>	7-205	6-228	6-142	7-119	2-40	1-15	11-265(2)	9-289(1)*	12-367	9-320
<u>YORK</u>	6-149	3-109	1-3	0-0	0-0	1(1)	0-0	0-0	0-0	1-4
TOTALS	45-686	37-645(7)	36-554(6)(1*)	21-232(3)*	24-220(8)	14-132(5)	26-357(6)	30-419(11)	34-615(6)	22-437(4)
() Canelation										
* Outstanding Report or Upcoming Course										

Boater Ed Plan
Lincoln & Sagadahoc
Counties
11/16/09

Sponsors

School districts with Adult Education Programs:

Bath Adult Education	Currently working with safety programs
Boothbay Adult Education	“ “ “ “ “
Richmond Adult Education	“ “ “ “ “
Topsham Adult Education	* Not currently working with Adult Ed program
Waldoboro Adult Education	Currently working with safety programs
Wiscasset Adult Education	“ “ “ “ “

* Will offer out lying schools for locations.

Schools
Sagadahoc
Potential Sponsors

Bath
West Bath
Georgetown
Phippsburg
Woolwich
Bowdoin
Bowdoinham
Topsham
Richmond

Schools
Lincoln
Potential Sponsors

Wiscasset
Jefferson
Newcastle
Damariscotta
Whitefield
Boothbay
Boothbay Harbor
Edgecomb
Bristol
Dresden



Boater Ed Plan
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Schools
Sagadahoc
Potential Sponsors

Bath
West Bath
Georgetown
Phippsburg
Woolwich
Bowdoin
Bowdoinham
Topsham
Richmond

Schools
Lincoln
Potential Sponsors

Wiscasset
Jefferson
Newcastle
Damariscotta
Whitefield
Boothbay
Boothbay Harbor
Edgecomb
Bristol
Dresden

**Sportsmen's Organizations
Sponsors and Potential Sponsors**

Phippsburg Sportsmen's Association	Currently Sponsoring Safety Programs.
Richmond Sportsmen's Club	Not currently / changing of officers
Wiscasset Rod And Gun	Not currently / small club house
Waldoboro Rod & Gun	Not currently / small club house
North Bath Rod & Gun	Not currently / small building

**YMCA Facilities
Sponsor & Potential Sponsor**

Damariscotta YMCA	Currently offering safety programs
Bath YMCA	not currently / not approached
Bath Recreation Department	currently offering Hunter Education

Marine Dealers

BFC Marine	not currently
Stetson & Pinkham	“ “

**Municipal Fire & Rescue Departments
Potential Sponsors / with facilities**

Working with some departments currently as needed with training requirements to operate.

**Sponsors or Potential Sponsors
With facilities**

Bath YMCA
Damariscotta YMCA
Bath Recreation Department
Bath Iron Works (instructor currently working at Bath Iron Works)
American Legion Organizations
VFW Organizations
Sportsmen's Associations (some without adequate facilities)
All Schools
Marine Boat Dealers (some with facilities)

Tentative number of classes

Adult Ed Programs have had some discussions with Adult Ed directors
Dates / Times and number of classes depend on demand
Each Adult Ed can offer at least two classes / more if needed
Also were interested in the proctor exam piece if needed
10 with two more if Topsham comes aboard.

Other organizations At least one boater safety course could be offered.
10 more classes could easily be offered with sponsors support

Total number of courses 20
(Providing number of students)

Instructor & Training

Work with local organizations with adds (internet / *newspapers / department advertisements / and boating safety week champagnes.

- Northwood Journal
- Maine Sportsmen

Training

Work with our current training program with hands on operation at adequate facilities. Part of training would be paperwork and instruction of mandatory curriculum. Work on paddle sports and boats on lakes and ponds. (Assuming the Power Squadron and Coast Guard Auxiliary will be offering classes along the coast)

Kayaks

Canoes

Motorboats

Personal Water Crafts would be part of the hands on training offered by the DIF&W Department for instructors and as much as possible hands on training at all facilities.

Canoe / personal watercraft / boats / kayaks at least brought to class for show and tell and overview of equipment.

Reggie Read
DIF&W I & E Division
Recreational Safety Coordinator
Lincoln & Sagadahoc Counties

***Boater Education Plan
Penobscot, Piscataquis & No. Somerset
Counties
11/19/2009***

Sponsors

**Adult Ed Programs currently sponsoring programs
Penobscot County**

**SAD 31 - Penobscot Valley H.S. - Howland
Old Town Adult Ed.
Orono Adult Ed.
SAD 22 - Reeds Brook M.S. - Hampden
Hermon Adult Ed. - Hermon H.S.
SAD 48 - Nokomis H.S. - Newport
SAD 64 - Corinth M.S. - Corinth**

Piscataquis County

**SAD 4 - Guilford H.S. - Guilford
Greenville Adult Ed. - Greenville H.S. - Greenville
P.V.A.E.C. - Dover-Foxcroft - Dexter - Milo
(will participate, but will take no part in student enrolment)**

No. Somerset

**SAD 12 - Forest Hills H.S. - Jackman
Harmony School Dist. - Harmony Elem. School - Harmony**

Other sponsors participating or have sponsored programs in the past

Penobscot County

**V.F.W. - Old Town - Burlington
Am. Legion - Old Town
Hamlin Marine - Hampden
Lincoln Rec. Dept.
Mattawamkeag Rec. Dept.
Lincoln Fire Dept. / Lincoln Search & Rescue
P.C.C.A. - Brewer
M.Y.F.&G.A. - Milford (Hancock County)
Corinth Fire Dept.**

Possible sponsors

**Bangor Bass Club
Bangor YMCA / YWCA
Cold Stream Camp Owners Assn. - Enfield
Lincoln K of C
Old Town K of C
Old Town Elks
Old Town Canoe (paddle sports, etc)**

Tentative number of classes

Adult Ed Programs

most Adult Ed Programs, in my area, are usually looking for ways to expand what they have to offer the public in their districts. From talking with some of the Adult Ed Directors, most could handle 2 courses, depending on the need, especially during their Spring schedule.

Other Sponsors

possibly one class from most, and depending on the need, some possibly two.

Possibility of 20 or so classes depending upon the need.

Haven't spoke of the possibility of the proctored exam piece until more details are available.

Instructor Recruitment & Training

When mandatory Boater Safety becomes a reality, it may also be possible to reach prospective instructors through the two sporting publications in the state in addition to recruiting from the Boater Ed classes. Training could be provided to new instructor recruits by conducting new instructor workshops where they would complete the boater safety program and also training in completing the required paperwork and the teaching of the mandatory subject material. These training sessions could be handled by the individual Regional Coordinators or by more than one Coordinator in centrally located training sessions in the state. Training sites should be conducive to as much hands on training as possible. Training should include in water training with; canoes, kayaks, small power boats & personal watercraft (when possible). Training should also include; launching & loading boats on trailers as well as loading of canoes & kayaks and properly securing them onto vehicles. Some instruction on basic knot tying should also be included in the instructor workshops.

Clint Gaskill

I & E Div. of DIF&W

Recreational Safety Coordinator

Penobscot, Piscataquis & No. Somerset Counties

