

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 19

H.P. 21 House of Representatives, January 3, 1985

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.

Reference to the Committee on Legal Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Allen of Washington.

Cosponsored by Senator Matthews of Kennebec, Representative Clark of Millinocket and Representative Conners of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

AN ACT to Provide for Toxicological Tests in
the Event of a Recreational Boating
Fatality.

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

12 MRSA §7801, sub-§9, as amended by PL 1981, c. 698, §74, is further amended to read:

9. Operating watercraft under the influence. A person is guilty of operating a watercraft under the influence if he operates any watercraft, water ski, surfboard or similar device while under the influence of intoxicating liquor or drugs. Standards, tests and procedures applicable in determining whether a person is under the influence within the meaning of this section shall be those applicable pursuant to Title 29, sections 1312, 1312-B and 1312-C. The primary investigatory agency conducting an inquiry relating to or resulting from a recreational boating fatality shall require the operator of each involved

1 watercraft to submit to a chemical test to determine
2 his blood-alcohol level by analysis of his blood or
3 breath in order to document the role of alcohol in
4 recreational boating fatalities and to provide evi-
5 dence for use in any criminal proceeding which may
6 ensue.

7 STATEMENT OF FACT

8 A recent safety study conducted by the National
9 Transportation Safety Board found that alcohol use is
10 suspected to be a major factor in a high number of
11 recreational boating fatalities. As a result, the
12 safety board has recommended that the State initiate
13 legislation to require toxicological tests in the
14 event of a recreational boating fatality in order to
15 document the role of alcohol in these tragic inci-
16 dents.

17 The purpose of this bill is to require the opera-
18 tor of any watercraft involved in a recreational
19 boating fatality to submit to chemical testing which
20 would determine his or her blood-alcohol level. This
21 testing requirement will document the role of alcohol
22 in all recreational boating fatalities which occur in
23 this State and will be a major step toward reducing
24 alcohol related boating accidents on the state wa-
25 ters.

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