

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2165

H.P. 1587 House of Representatives, February 1, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Fisheries and Wildlife
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative SIMPSON of Casco.

Cosponsored by Representatives GREENLAW of Standish,
JACQUES of Waterville and Senator USHER of Cumberland.

STATE OF MAINE

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

1 AN ACT to Regulate Use of Jet Skis Within
2 Water Bodies.
3

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

6 12 MRSA c. 715, sub-c. V is enacted to read:

7 SUBCHAPTER V

1 2. Training. A person under 18 years of age is
2 required to complete successfully a training program
3 approved by the department prior to operating a jet
4 ski on any waters of this State. The training program
5 shall include instruction on the safe operation of jet
6 skis, the laws pertaining to jet skis, the effect of
7 jet skis on the environment and ways to minimize any
8 adverse effects, rules of courtesy to all users of
9 waters of this State, and may include other materials
10 as determined by the department.

11 §7860-D. Registration

12 1. Application and issuance. The commissioner,
13 or an agent designated by the commissioner, may
14 register and assign registration number plates to any
15 jet ski upon application and payment of an annual fee
16 by the owner. The plates shall be attached securely
17 to the front and rear of the jet ski and shall be
18 clearly visible. After the first year of registration
19 of the jet ski, the commissioner may issue validation
20 devices which shall be placed on the number plates. A
21 registration shall be valid for one year commencing
22 July 1st of each year.

23 2. Appointment. The commissioner may appoint
24 municipal clerks or such other persons that a
25 municipality may designate as agents to issue jet ski
26 registrations.

27 Agents may charge a service fee of not more than \$1
28 for each registration issued and this service fee
29 shall be retained by the municipality. Each municipal
30 agent shall report to the commissioner on or before
31 the 15th day of each calendar month. The report shall
32 include an accounting of all jet ski registrations
33 issued during the previous calendar month and shall be
34 accompanied by:

35 A. The department's copy of each registration
36 issued; and

1 B. All jet ski registration funds collected by
2 the agent during the reporting period.

3 3. Fee. The annual registration fee for a jet
4 ski is \$12.

5 4. Allocation of fees. Money received under this
6 subchapter shall be allocated and used as follows.
7 All money received under this subchapter shall be
8 credited to the department for the cost of
9 administration of this subchapter, except that at
10 least \$2.50 of each annual registration fee shall be
11 allocated by the department to provide training and
12 education relative to jet skis.

13 5. Form of registration. The jet ski
14 registration shall be in such form as the commissioner
15 may determine.

16 6. Duplicate registration certificate. The
17 holder of any registration certificate issued under
18 this section may obtain a duplicate from the
19 commissioner upon application and payment of a fee of
20 \$1.

21 7. Lost or stolen number plates. Any time a jet
22 ski number plate becomes lost or stolen, the owner
23 shall immediately notify the commissioner.
24 Replacement for number plates which have become lost,
25 stolen or destroyed may be obtained from the
26 commissioner upon application and payment of a fee of
27 \$2.50.

28 8. Transfer of ownership. A transfer of
29 ownership of a jet ski shall be subject to the
30 following.

31 A. Whoever transfers the ownership of a
32 registered jet ski shall properly sign the
33 registration certificate within 10 days,
34 indicating the disposition of the jet ski, and
35 return the certificate to the commissioner.
36 Except as provided in paragraph B, the
37 registration number plate shall be returned with
38 the certificate.

1 B. A jet ski owner who transfers ownership may
2 apply within 10 days from the date of transfer to
3 the commissioner for registration of another jet
4 ski, in which case, he may retain the registration
5 number plates and upon receipt of the new
6 certificate attach the plates to the new jet ski.
7 The fee for such a transfer shall be \$2 and the
8 registration certificate shall be valid for the
9 remainder of the registration year for which the
10 previous jet ski had been registered.

11 C. Whenever there is a change of ownership of a
12 jet ski for which a registration has previously
13 been issued, the new owner shall apply for a new
14 registration certificate and plates and shall pay
15 the regular \$12 fee.

16 9. Reciprocity. Reciprocity shall be allowed to
17 nonresidents from all states, provinces, countries or
18 districts which allow similar privileges to residents
19 of this State, provided that they are covered by a
20 valid registration from that state, province, country
21 or district.

22 A. If the jet ski is owned by a nonresident but
23 is primarily operated by a Maine resident, it
24 shall be registered under this section.

25 B. Nothing in this subsection may be construed to
26 authorize the operation of any jet ski, in any
27 manner contrary to this subchapter.

28 10. Restrictions. The following restrictions
29 apply to the registration of a jet ski.

30 A. The registration certificate shall be subject
31 to inspection by any law enforcement officer on
32 demand.

33 B. The registrant shall notify the commissioner
34 within 10 days if a jet ski is destroyed,
35 abandoned, stolen or permanently removed from this
36 State.

1 \$7860-E. Dealer's registration and license

2 1. Application and issuance. Any person who is
3 in the business of selling jet skis in the State shall
4 register as a dealer and secure a dealer's license
5 from the commissioner. Dealers so registered and
6 licensed need not register individual jet skis.

7 2. Fees. The dealer's license fee shall be \$10
8 annually from each July 1st.

9 3. Dealer's number plates. Dealer's plates shall
10 be provided and obtained as follows.

11 A. Each registered dealer may receive dealer's
12 number plates for a \$5 fee for each plate.

13 B. Replacement for lost or stolen plates may be
14 obtained for a fee of \$5 for each plate.

15 C. If a number plate is lost or stolen, the owner
16 shall notify the commissioner immediately.

17 4. Temporary registrations and numbers. The
18 commissioner may issue temporary registration plates
19 and certificates to registered dealers who may issue
20 them to new owners, upon the sale or exchange of jet
21 skis, in order to allow them to operate jet skis for a
22 period of 20 consecutive days only after the date of
23 sale in lieu of a permanent number as required by this
24 subchapter. The fee for each temporary registration
25 is \$1.

26 5. Restrictions. Dealers shall display their
27 dealer's number on each jet ski being used until the
28 sale of the jet skis, whereupon it becomes the owner's
29 responsibility to register the jet ski.

30 \$7860-F. Prohibited acts

31 1. Operating an unregistered jet ski. A person
32 is guilty, except as provided in subsection 19,
33 paragraph A, of operating an unregistered jet ski, if

1 he operates a jet ski which is not registered in
2 accordance with section 7860-D.

3 2. Unlawfully crossing the area of an authorized
4 regatta, race, boat exhibition or water-ski
5 exhibition. An operator of a jet ski is guilty of
6 unlawfully crossing the area of an authorized regatta,
7 race, boat exhibition or water-ski exhibition, if he
8 crosses or traverses the course or area of such an
9 event when the warning flag required under section
10 7797, subsection 3, paragraph B is displayed, except
11 in an emergency.

12 3. Reckless operation of a jet ski. A person is
13 guilty of reckless operation of a jet ski, if he
14 operates any jet ski in such a way as recklessly to
15 create a substantial risk of serious bodily injury to
16 another person.

17 4. Operating a jet ski under the influence. A
18 person is guilty of operating a jet ski under the
19 influence, if he operates any jet ski while under the
20 influence of intoxicating liquor or drugs. Standards,
21 tests and procedures applicable in determining whether
22 a person is under the influence within the meaning of
23 this section shall be those procedures applicable
24 pursuant to Title 29, sections 1312 and 1312-B.

25 5. Operating a jet ski to endanger. A person is
26 guilty of operating a jet ski to endanger, if he
27 operates any jet ski so as to endanger any person or
28 property.

29 6. Operating a jet ski at greater than reasonable
30 and prudent speed. A person is guilty of operating a
31 jet ski at greater than reasonable and prudent speed
32 if he:

33 A. Operates any jet ski except at a reasonable
34 and prudent speed for existing conditions; or

35 B. Fails to regulate the speed of a jet ski so as
36 to avoid danger, injury or unnecessary
37 inconvenience in any manner to other watercraft
38 and their occupants, whether anchored or under

1 way, waterfront piers, floats or other property or
2 shorelines, either directly or by the effect of
3 the wash or wave created by the watercraft through
4 its speed, or otherwise.

5 7. Operating a jet ski in bathing areas. A
6 person is guilty of operating a jet ski in bathing
7 areas if he operates a jet ski within any bathing area
8 marked or buoyed for bathing.

9 8. Unlawfully operating a jet ski while under
10 age. A person is guilty of unlawfully operating a jet
11 ski while under age, if he is under the age of 15
12 years and operates a jet ski while unaccompanied by an
13 adult.

14 9. Operating a jet ski to molest wild animals or
15 wild birds. A person is guilty of operating a jet ski
16 to molest wild animals or wild birds if he operates
17 any jet ski so as to pursue, molest, harass, drive or
18 herd any wild animal or wild bird, except as may be
19 permitted during the open season on that animal.

20 10. Operating a jet ski without proper safety
21 equipment. A person is guilty of operating a jet ski
22 without proper safety equipment if he operates a jet
23 ski which:

24 A. Fails to comply with the same requirements
25 pertaining to safety equipment as required by
26 federal laws and regulations on federal navigable
27 waters, as promulgated under the United States
28 Federal Boat Safety Act of 1971, Public Law 92-75,
29 as amended; or

30 B. Fails to comply with requirements pertaining
31 to additional equipment not in conflict with
32 federal navigation laws which the commissioner may
33 prescribe by rule if there is a demonstrated need.

34 11. Failure to render aid after a jet ski
35 accident. A person is guilty of failure to render aid
36 after a jet ski accident if the jet ski operator:

37 A. Operates a jet ski which is involved in a

1 collision, accident or other casualty; and

2 B. Fails to render all necessary aid and
3 assistance to all persons involved, so far as the
4 jet ski operator can do so without serious danger
5 to the jet ski and any person.

6 12. Failure to provide personal identification
7 after a jet ski accident. A person is guilty of
8 failure to provide personal identification after a jet
9 ski accident if that person:

10 A. Operates a jet ski which is involved in a
11 collision, accident or other casualty; and

12 B. Fails to give his name and address and
13 identification of the jet ski to any person
14 injured and to the owner of any property damaged.

15 13. Failure to report jet ski accident. A person
16 is guilty of failure to report a jet ski accident, if:

17 A. That person is the operator of a jet ski
18 involved in any accident resulting in injuries
19 requiring the services of a physician, in the
20 death of any person or in property damage in the
21 estimated amount of \$200 or more; some person
22 acting for such an operator; or the owner of the
23 involved jet ski having knowledge of the accident,
24 should the operator of the jet ski be unknown; and

25 B. That person fails to give notice of the
26 accident by the quickest means of communication to
27 the law enforcement officer nearest to the place
28 where the accident occurred.

29 14. Operating a jet ski without a certificate of
30 training. A person is guilty of operating a jet ski
31 without a certificate of training, if that person is
32 under 18 years of age and operates a jet ski without
33 having successfully completed a training course
34 approved by the department pursuant to section 7860-C.

35 15. Permitting an unaccompanied child to operate
36 a jet ski. A person is guilty of permitting an

1 unaccompanied child to operate a jet ski if that
2 person permits a child under 15 years of age to
3 operate a jet ski, unless that child is accompanied by
4 an adult.

5 16. Unlawfully permitting operation. A person is
6 guilty of unlawfully permitting operation of a jet
7 ski, if that person owns a jet ski which is operated
8 by another person in violation of any section of this
9 subchapter. A person is guilty of unlawfully
10 permitting operation of a jet ski if that person is
11 the parent or guardian responsible for the care of a
12 minor under 18 years of age who operates a jet ski in
13 violation of this subchapter.

14 17. Operating a jet ski in a prohibited area. A
15 person is guilty of operating a jet ski in a
16 prohibited area, if that person operates a jet ski in
17 any area which the commissioner by rule has designated
18 as prohibited for the operation of jet skis, except in
19 an emergency.

20 18. Operating a jet ski which exceeds noise
21 limit. A person is guilty of operating a jet ski
22 which exceeds the noise limit, if that person operates
23 a jet ski which exceeds 78 decibels of sound pressure
24 at 50 feet on the "A" scale, as measured by the
25 Society of Automotive Engineers standards J-192.

26 19. Exceptions. The following exceptions apply
27 to jet skis.

28 A. Notwithstanding the provisions of subsection
29 1, jet skis owned and operated in this State by
30 the Federal Government, the State or political
31 subdivision of the State shall be exempt from
32 registration fees, but shall be registered and
33 required to display numbers.

34 §7860-G. Liability for damage by other persons

35 The owner of a jet ski, a person who gives or
36 furnishes a jet ski to another person and a parent or
37 guardian responsible for the care of a minor under 18

1 years of age shall be jointly and severally liable for
2 any damages caused in the operation of the vehicle or
3 by the minor in operating a jet ski.

4 §7860-H. Impoundment of a jet ski

5 When a law enforcement officer issues a summons
6 for a violation under this subchapter, the officer may
7 impound the jet ski operated by the person who
8 received the summons if, in the judgment of the
9 officer, based on actual previous offenses by the
10 operator or other considerations, the operator will
11 continue to operate the vehicle in violation and such
12 operation may be a hazard to the safety of persons or
13 property.

14 The operator or owner may reclaim his vehicle at
15 any time subsequent to 24 hours after the issuance of
16 the summons upon payment of the costs of impoundment
17 to the enforcement agency impounding the vehicle.

18 §7860-I. Rules

19 The commissioner may promulgate, in accordance
20 with the Maine Administrative Procedure Act, Title 5,
21 chapter 375, such rules as may be necessary to carry
22 out this subchapter.

23 §7860-J. Violation

24 Any violation of this subchapter is a Class E
25 crime.

26 STATEMENT OF FACT

27 This bill establishes the Maine Revised Statutes,
28 Title 12, chapter 715, subchapter V, to regulate and
29 promote the safe use of so-called jet skis on the
30 waters of this State. The registration and training
31 requirements parallel those for ATV's. Prohibited
32 acts under this new subchapter track similar
33 provisions from the laws regulating the use of ATV's
34 and motorboats and other watercraft when those
35 provisions are applicable. A violation of any of the

1 provisions regulating jet skis will be a Class E
2 crime, which parallels the law regulating the use of
3 snowmobiles. The bill provides that \$2.50 of each \$12
4 annual registration shall be earmarked to provide
5 training and education relative to jet skis. Since
6 this area of regulation is new, the commissioner is
7 given rule-making authority to accomplish the intent
8 of the bill.

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