

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1874

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H.P. 1365

House of Representatives, March 21, 1996

**An Act to Place Limited Rules on the Use of Personal Watercraft on  
Waters of the State.**

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Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JACQUES of Waterville. (GOVERNOR'S BILL)

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

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Sec. 1. 12 MRSA §7077-A, sub-§6 is enacted to read:

6. Revocation. The commissioner shall establish criteria and the process for revocation of a certificate of number for personal watercraft rental under section 7798-B. The criteria must be incremental in nature and based upon convictions of the licensee for allowing violations of sections 7791 to 7805. The commissioner shall also establish criteria for reinstatement of the certificate of number for personal watercraft rentals.

Sec. 2. 12 MRSA §7798-B is enacted to read:

§7798-B. Certificate of number for rental of personal watercraft

1. Application. Before a personal watercraft may be rented or leased, the licensee of the personal watercraft shall obtain a certificate of number from the commissioner. The certificate authorizes lease or rental of personal watercraft for one year from the date of issuance and the annual fee for a certificate is \$250. The licensee authorized to rent or lease personal watercraft under this section shall affix to each rental unit, in a conspicuous place, a decal that identifies the personal watercraft as a rental unit.

2. Issuance. Before the certificate of number may be issued, the licensee shall satisfy the commissioner that the personal watercraft is safe to operate and maintained in a safe manner, and that the licensee or owner of the personal watercraft provides persons that rent or lease a personal watercraft with educational materials on safe operations of personal watercraft in accordance with the State's water safety laws and common boating courtesy and with safety equipment required by the United States Coast Guard and the department.

3. Violations. A licensee who knowingly allows a violation of sections 7791 to 7805 commits a Class E crime.

Sec. 3. 12 MRSA §7801, sub-§30, ¶¶B and C, as enacted by PL 1989, c. 469, §4, are amended to read:

B. Operates the personal watercraft during the hours between sunset and sunrise; or

C. Operates a personal watercraft before attaining the age of ~~12~~ 16 years; or

Sec. 4. 12 MRSA §7801, sub-§30, ¶D is enacted to read:

D. Operates a personal watercraft at greater than headway speed within 300 feet of any shoreline.

2                   **Sec. 5. 12 MRSA §7901, sub-§17** is enacted to read:

4                   **17. Personal watercraft.** A violation of section 7801,  
6                   subsections 8, 9, 10, 11 and 14; section 7801, subsection 30,  
8                   paragraphs C and D; and section 7801, subsection 32 is a Class E  
                    crime for which a fine of not less than \$100 or more than \$500 is  
                    adjudged, which may not be suspended.

10                                           **STATEMENT OF FACT**

12                   This bill is intended to improve public safety and protect  
14                   wildlife habitats on the State's great ponds, rivers and coastal  
16                   waters by ensuring that both those who lease and those who  
                    operate "personal watercraft," as defined by the Maine Revised  
                    Statutes, Title 12, section 7791, subsection 11-A, are  
                    responsible for their safe use.

18                   The bill requires those that offer personal watercraft for  
20                   lease to obtain a certificate of number from the Commissioner of  
22                   Inland Fisheries and Wildlife and to satisfy the commissioner  
24                   that the watercraft are in good working condition and that  
                    lessees are provided with educational materials on how to use the  
                    personal watercraft safely in accordance with state laws. A  
26                   licensee who knowingly allows a violation of the State's  
                    watercraft laws commits a Class E crime.

28                   The bill requires the commissioner to establish criteria for  
30                   revocation and reinstatement of the certificate of number for  
                    renting personal watercraft.

32                   The bill makes operation of personal watercraft by a person  
34                   under 16 years of age or at greater than headway speed within 300  
                    feet of any shoreline a Class E crime for which a fine of \$100 to  
                    \$500 is imposed.