

MAINE STATE LEGISLATURE

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INLAND FISHERIES AND WILDLIFE

Reported by: *Senator Hall*

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 137, L.D. 416, Bill, "An Act to Regulate the Use of Personal Watercraft"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Definition of Personal Watercraft, to Prohibit the Imprudent Operation of Watercraft on Inland Waters of the State and to Assess the Effectiveness of Industry-sponsored Watercraft Safety Training and Education Programs'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 12 MRSA §7791, sub-§11-A, as enacted by PL 1989, c. 469, §1, is amended to read:

11-A. Personal watercraft. "Personal watercraft" means any motorized watercraft that is less than 14 feet or less in hull length as manufactured, ~~is capable of exceeding a speed of 20 miles per hour and has the capacity to carry not more than the operator and one other person while in operation~~ has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position. ~~The term "Personal watercraft"~~ includes, but is not limited to, a jet ski, wet bike, surf jet, miniature speedboat and hovercraft. "Personal watercraft" also includes motorized watercraft whose operation is controlled by a water skier.

COMMITTEE AMENDMENT

R. O. S.

2 Sec. 2. 12 MRSA §7801, sub-§11-A is enacted to read:

4 11-A. Imprudent operation of watercraft. A person is
6 guilty of imprudent operation of a watercraft if that person,
8 while operating a watercraft on the inland waters of the State,
engages in prolonged circling, informal racing, wake jumping or
other types of continued and repeated activities that harass
another person.

10 Sec. 3. 12 MRSA §7901, sub-§11, as enacted by PL 1985, c. 762,
12 §24, is amended to read:

14 11. Violation. A violation of section 7801, subsection
16 11-A, section 7857, subsection 13, 13-A, 13-B, 14, 15, 16, 17, 20
18 or 21 or of section 7858 is a civil violation for which a
forfeiture of not less than \$100 nor more than \$500 may be
adjudged, of which not more than \$50 may be suspended.

20 Sec. 4. 12 MRSA §7902-A is enacted to read:

22 §7902-A. Private civil action

24 A person may bring a civil action in district or superior
26 court against another person for the imprudent operation of a
watercraft on inland waters of the State under section 7801,
subsection 11-A.

28 Sec. 5. Assessment of industry safety and training efforts. The
30 Department of Inland Fisheries and Wildlife shall coordinate with
32 personal watercraft distributors, dealers, rental agents and
users in the State to assess the awareness of boating laws among
34 users of personal watercraft and the extent and effectiveness of
industry-sponsored personal watercraft safety training and
36 education programs. This assessment must include, but is not
limited to, estimates of the level of awareness among personal
38 watercraft operators of general boating laws, safe boating
practices, the safe operation of personal watercraft and the rate
40 of participation by those operators in industry-sponsored safety
training and education programs. The Bureau of Warden Service
42 shall develop those estimates by tracking complaints related to
personal watercraft and warrants and summonses and by assessments
44 of observations of and contacts with those operators by wardens.
The bureau shall provide the Commissioner of Inland Fisheries and
46 Wildlife with a written summary of its conclusions about the
general level of awareness among personal watercraft operators of
those issues and the effectiveness of the industry-sponsored
48 safety training programs and materials.

2 The Department of Inland Fisheries and Wildlife shall
3 encourage personal watercraft distributors, dealers and rental
4 agents to offer safety training programs and materials and shall
5 undertake an evaluation of the current safety training and
6 education programs offered by distributors, dealers and rental
7 agents. That evaluation may include examples of the types of
8 educational materials being distributed, descriptions of the
9 training and education programs being offered, the number of
10 distributors, dealers and rental agents offering those programs
11 or materials and the number of people who participate in those
12 programs or received those materials.

13 The Commissioner of Inland Fisheries and Wildlife shall
14 report to the Joint Standing Committee on Inland Fisheries and
15 Wildlife on these assessment efforts by February 1, 1998.'

16 Further amend the bill by inserting at the end before the
17 summary the following:

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22 **FISCAL NOTE**

23 The Department of Inland Fisheries and Wildlife will incur
24 some minor additional costs to submit a required report to the
25 Legislature. These costs can be absorbed within the department's
26 existing budgeted resources.

27 This bill may increase the number of civil suits and civil
28 violations filed in the court system. The additional workload
29 and administrative costs associated with the minimal number of
30 new cases filed can be absorbed within the budgeted resources of
31 the Judicial Department. The collection of additional filing
32 fees and fines may also increase General Fund revenue by minor
33 amounts.'

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38 **SUMMARY**

39 This amendment replaces the bill and changes the title of
40 the bill.

41 The amendment updates the definition of personal watercraft
42 to include jet-propelled vessels 14 feet or less and creates a
43 civil violation for the imprudent operation of a watercraft on
44 inland waters that is enforceable either by the Department of
45 Inland Fisheries and Wildlife or by private civil action.

46 The amendment also requires the Commissioner of Inland
47 Fisheries and Wildlife to work with personal watercraft

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2 distributors, dealers, rental agents and users to promote
industry-sponsored safety and education programs and to assess
the rate of participation and the effectiveness of
4 industry-sponsored personal watercraft safety training programs
and educational materials.

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COMMITTEE AMENDMENT