

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1327

H.P. 990

House of Representatives, March 5, 2001

**Resolve, to Allow Coastal Municipalities to Regulate the Use of
Personal Watercraft.**

Reference to the Committee on Marine Resources suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BULL of Freeport.
Cosponsored by Senator EDMONDS of Cumberland and
Representatives: ETNIER of Harpswell, HONEY of Boothbay, KOFFMAN of Bar Harbor,
SULLIVAN of Biddeford, VOLÉNIK of Brooklin, Senator: GOLDTHWAIT of Hancock.

Sec. 1. Recommendations for regulating use, operation and type of watercraft on coastal waters. Resolved: That a municipality, with the approval of its legislative body, may submit recommendations to the Commissioner of Marine Resources for regulating the use and operation of personal watercraft on coastal waters that are within the boundaries of that municipality or that abut that municipality. Recommendations that include an area of coastal waters that is within or abuts more than one municipality may be submitted only after approval of the legislative bodies of all those municipalities. For coastal waters that border lands within the jurisdiction of the Maine Land Use Regulation Commission, the approval of the commission is required. If a municipality chooses to prepare recommendations for such waters, it shall take into consideration the use to which those waters are put, the depth of the water, the amount of waterborne traffic on the waters, wildlife and environmental values, noise, traditional uses of the coastal waters and the safety of persons and property. These recommendations may be submitted only after a public hearing and must include a description of the resources the municipality or municipalities will use to assist with enforcing those recommendations if enacted. For the purposes of this resolve, the term "personal watercraft" has the same meaning as defined in the Maine Revised Statutes, Title 12, section 7791, subsection 11-A.

The Commissioner of Marine Resources shall submit a report to the Second Regular Session of the 120th Legislature by January 15, 2002 on the recommendations received from municipalities prior to November 30, 2001 and shall submit a report to the First Regular Session of the 121st Legislature by January 15, 2003 on the recommendations received from municipalities between November 30, 2001 and October 30, 2002. Each report must be accompanied by legislation implementing the municipal recommendations supported by the Department of Marine Resources. The joint standing committee having jurisdiction over marine resources matters is authorized to report out legislation to implement these recommendations during the Second Regular Session of the 120th Legislature and during the First Regular Session of the 121st Legislature; and be it further

Sec. 2. Joint agency report. Resolved: That the Maine Land Use Regulation Commission, the Department of Marine Resources and the Department of Conservation, Bureau of Parks and Lands shall jointly report no later than January 1, 2002 to the Joint Standing Committee on Marine Resources on the regulation of personal watercraft on coastal waters that abut land within their jurisdiction. In preparing the report and recommendations, the agencies shall consult among themselves and with any other state or federal agency having administrative authority for lands that abut coastal waters. The report must include recommendations for

2 regulating the use and operation of personal watercraft on
3 coastal waters that abut land within the jurisdiction of those
4 state or federal agencies.

6 SUMMARY

8 This resolve establishes a process whereby municipalities
9 may submit recommendations to the Commissioner of Marine
10 Resources for the regulation of personal watercraft on coastal
11 waters within the jurisdiction of those municipalities or that
12 abut those municipalities. The resolve requires a report to be
13 presented to the Second Regular Session of the 120th Legislature
14 on the first round of those municipal requests and a report to be
15 submitted to the First Regular Session of the 121st Legislature
16 on the 2nd round of requests. The resolve also authorizes the
17 Department of Conservation, Bureau of Parks and Lands, the
18 Department of Marine Resources and the Maine Land Use Regulation
19 Commission to work together on recommendations for coastal waters
20 that abut land controlled by the Federal Government or the State
Government.