

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)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1366

H.P. 1001

House of Representatives, March 18, 2003

An Act To Ensure Boating Safety

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKEE of Wayne.
Cosponsored by Senator BRENNAN of Cumberland and
Representatives: ADAMS of Portland, DUPLESSIE of Westbrook, MARRACHÉ of
Waterville, SAVIELLO of Wilton.

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

4 **Sec. 1. 12 MRSA §7792-B** is enacted to read:

6 **§7792-B. Boating safety course**

8 Pursuant to the commissioner's rule-making authority under
10 section 7792, the commissioner shall approve and make available
12 boating safety courses and shall require successful completion of
14 such a course for any:

16 1. **Summer camps.** Volunteer or employee of a children's
18 summer camp who will operate a motorboat carrying a child or
20 children; and

22 2. **Recreation programs.** Volunteer or employee of any
24 recreation program maintained or operated by the State or any of
26 its political subdivisions who will operate a motorboat carrying
28 a child or children.

30 **Sec. 2. Boating safety rules.** Pursuant to the rule-making
32 authority established by the Maine Revised Statutes, Title 12,
34 section 7792 the Commissioner of Inland Fisheries and Wildlife
36 shall adopt rules to:

38 1. Require all motorboats to be equipped with a horn or
40 other appropriate device for making sounds to alert other persons
42 operating watercraft;

44 2. Establish reduced speed zones for motorboats in areas
46 adjacent to children's summer camps; and

48 3. Establish a training program for volunteer boating
50 safety instructors.

Rules adopted pursuant to this section are routine
technical rules as defined in the Maine Revised Statutes, Title
5, chapter 375, subchapter 2-A.

40 **Sec. 3. Study group established.** The Boating Safety Study
42 Group, referred to in this section as "the study group" is
44 established to study issues relating to boating safety on the
46 State's inland waters.

48 1. **Study group membership.** The study group consists of 7
50 members appointed as follows:

A. The Commissioner of Inland Fisheries and Wildlife or the
commissioner's designee;

- 2 B. One member of the Senate, appointed by the President of
the Senate;
- 4 C. One member of the House, appointed by the Speaker of the
House;
- 6 D. One member of the public, appointed by the Governor;
- 8 E. One member representing waterfront property owners,
10 appointed by the Governor;
- 12 F. One member representing children's summer camps,
14 appointed by the President of the Senate; and
- 16 G. One member representing boat dealers, appointed by the
Speaker of the House.

18 **2. Chairs.** The Senate member is the Senate chair of the
study group and the House member is the House chair of the study
20 group.

22 **3. Appointments; convening of study group.** All
appointments must be made no later than 30 days following the
24 effective date of this section. The appointing authorities shall
notify the Executive Director of the Legislative Council once all
26 appointments have been completed. Within 15 days after
appointment of all members, the chairs shall call and convene the
28 first meeting of the study group.

30 **4. Duties.** The study group shall examine study issues
relating to boating safety on the State's inland waters and
32 develop recommendations for ways and means to aid the Department
of Inland Fisheries and Wildlife to ensure boating safety. The
34 study group shall meet a minimum of 3 times and may hold public
hearings as it sees fit and within its budgeted resources.

36 **5. Staff assistance.** Upon approval of the Legislative
Council, the Office of Policy and Legal Analysis shall provide
38 necessary staffing services to the study group.

40 **6. Compensation.** The legislative members of the study
group are entitled to the legislative per diem, as defined in the
42 Maine Revised Statutes, Title 3, section 2, and reimbursement for
travel and other necessary expenses related to their attendance
44 at authorized meetings of the study group. Public members not
otherwise compensated by their employers or other entities that
46 they represent are entitled to receive reimbursement of necessary
expenses and, upon a demonstration of financial hardship, a per
48 diem equal to the legislative per diem for their attendance at
authorized meetings of the study group.

2 **7. Report.** No later than December 1, 2003, the study group
shall submit a report that includes its findings and
4 recommendations, including suggested legislation, for
presentation to the Second Regular Session of the 121st
6 Legislature. The study group is authorized to introduce
legislation related to its report to the Legislature at the time
8 of submission of its report.

10 **8. Extension.** If the study group requires a limited
extension of time to complete its study and make its report, it
12 may apply to the Legislative Council, which may grant an
extension.

14 **10. Study group budget.** The chairs of the study group,
16 with assistance from the study group staff, shall administer the
study group's budget. Within 10 days after its first meeting,
18 the study group shall present a work plan and proposed budget to
the Legislative Council for its approval. The study group may
20 not incur expenses that would result in the study group's
exceeding its approved budget. Upon request from the study
22 group, the Executive Director of the Legislative Council shall
promptly provide the study group chairs and staff with a status
24 report on the study group budget, expenditures incurred and paid
and available funds.

26

28

SUMMARY

30

This bill requires a boating safety course approved by the
Commissioner of Inland Fisheries and Wildlife for any children's
32 summer camp or recreation program personnel who will be operating
a motorboat carrying a child or children. The bill requires the
34 commissioner to adopt rules requiring that motorboats be equipped
with horns or other sound-making devices, establishing reduced
36 speed zones near children's summer camps and establishing a
training program for volunteer boating safety instructors. The
38 bill also establishes the 7-member Boating Safety Study Group to
review issues surrounding boating safety on the State's inland
40 waters.