

MAINE STATE LEGISLATURE

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M
R.O.S.

L.D. 2067

Date: 3/11/8

(Filing No. H- 739)

Minority

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1451, L.D. 2067, Bill, "An Act To Require Boating Safety Education"

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 9 in L.D.)

Amend the bill in section 2 in §13074 by inserting before subsection 1 a new subsection to read:

1. Definition; noncommercial motorboat. For purposes of this section, "noncommercial motorboat" means a motorboat registered in the State or a federally documented motorboat operating within state waters when the operator is not engaged in a commercial activity licensed by a municipal or state government or the Federal Government.

Amend the bill in section 2 in §13074 in subsection 1 in the first paragraph in the last line (page 1, line 19 in L.D.) by striking out the following: "or personal watercraft"

Amend the bill in section 2 in §13074 in subsection 1 by striking out all of paragraph C (page 1, lines 26 and 27 in L.D.) and inserting the following:

'C. Is operating a motorboat under a supervised program or activity, is being trained by a person qualified under paragraph A or B, or if under 16 years of age, is under the direct supervision of a parent or guardian while operating a motorboat with less than 10 horsepower;'

Amend the bill in section 2 in §13074 in subsection 1 in paragraph E in the first line (page 1, line 33 in L.D.) by striking out the following: "or personal watercraft" and in the 3rd line (page 1, line 35 in L.D.) by striking out the following: "or personal watercraft"

Amend the bill in section 2 in §13074 in subsection 1 in paragraph G in the first line (page 2, line 4 in L.D.) by striking out the following: "or personal watercraft"

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1451, L.D. 2067

1 Amend the bill in section 2 in §13074 in subsection 2 in the first paragraph in the first
2 and 2nd lines (page 2, lines 6 and 7 in L.D.) by striking out the following: "and personal
3 watercraft"

4 Amend the bill in section 2 in §13074 in subsection 3 in the first line (page 2, line 19
5 in L.D.) by striking out the following: "or personal watercraft"

6 Amend the bill in section 2 in §13074 by striking out all of subsection 4 and inserting
7 the following:

8 **'4. Program implementation; rules. The commissioner and the Commissioner of**
9 **Marine Resources shall jointly implement a recreational boating safety education**
10 **program, referred to in this subsection as "the program."**

11 **A. The role of the commissioner and the Commissioner of Marine Resources in**
12 **implementing the program is limited to:**

13 **(1) Maintaining current levels of recreational boating safety education provided**
14 **by the commissioners;**

15 **(2) Identifying recreational boating safety education programs approved by the**
16 **National Association of State Boating Law Administrators or a successor**
17 **organization and certified for use in the State, including, but not limited to,**
18 **programs provided by the United States Coast Guard Auxiliary and the United**
19 **States Power Squadrons or a successor organization;**

20 **(3) Issuing temporary boating safety certificates to purchasers of new and used**
21 **motorboats at the time of issuance of identification numbers and validation**
22 **stickers pursuant to section 13056;**

23 **(4) Issuing certificates to noncommercial motorboat operators for compliance**
24 **with the program when those operators have successfully taken equivalency**
25 **examinations for boating safety education in lieu of taking a boating safety**
26 **course; and**

27 **(5) Jointly developing rules for program implementation and maintenance.**

28 **B. In developing the rules pursuant to paragraph A, the commissioner and the**
29 **Commissioner of Marine Resources shall consult and coordinate with the boating**
30 **public and professional organizations for recreational boating safety and the boating**
31 **business community. Rules may address but are not limited to addressing:**

32 **(1) Compliance and enforcement procedures;**

33 **(2) Making courses available statewide including through the Internet;**

34 **(3) The acceptance of certificates, issued by recreational boating safety**
35 **education courses approved by the National Association of State Boating Law**
36 **Administrators or a successor organization and certified for use in the State, to**
37 **document successful course completion;**

38 **(4) The issuance of duplicate certificates and record keeping by approved**
39 **providers of boating safety education;**

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COMMITTEE AMENDMENT "A" to H.P. 1451, L.D. 2067

1 It directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner
2 of Marine Resources to implement a program for recreational boating safety education
3 using existing resources.

4 It provides that the role of the Commissioner of Inland Fisheries and Wildlife and the
5 Commissioner of Marine Resources is one of general oversight of recreational boating
6 safety education.

7 It directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner
8 of Marine Resources, within existing resources, to maintain current levels of boating
9 safety education programs already provided by the commissioners and to supplement
10 those programs by identifying other suitable boating safety education courses provided by
11 other entities and certifying those courses for use in the State.

12 It provides an effective date of July 1, 2010.

13 **FISCAL NOTE REQUIRED**
14 **(See attached)**



123rd MAINE LEGISLATURE

LD 2067

LR 2779(02)

An Act To Require Boating Safety Education

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Future biennium cost increase - General Fund

Correctional and Judicial Impact Statements

Establishes new civil violations and Class E crimes. The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

This bill requires mandatory boating safety education for all motorboat users, phased in during a 5 year period starting June 30, 2011 and ending June 30, 2016. The Department of Inland Fisheries and Wildlife indicates there will be costs associated with the program beginning in fiscal year 2010-11 for staff time, materials for increased attendance of current courses, travel, and miscellaneous office expenses. The additional staff time results from the following additional responsibilities: identifying approved courses, handling inquiries from the public, coordinating with off-site locations on proctored exams and course materials, maintaining a database of course certifications and issuing duplicate certificates if needed. The bill indicates the program must be implemented and administered within existing resources. As General Fund resources will be taken from other programs, there may be a detrimental impact on existing programs and services.

The bill allows the department to assess fees for proctored examinations. However, the department indicates that all proctored exams would be given by an outside organization (e.g., adult education, community college) and all costs would be borne by those organizations. Additionally, the bill allows the department to charge fees to recover the costs of issuing temporary certificates and issuing certificates for successful completion of equivalency examinations. The department does not anticipate it will need to issue these documents and no costs for them will be incurred. Therefore, there will be no fees assessed to cover the expense of such documents.

Any costs incurred by the Department of Marine Resources associated with rule-making will be minor and can be absorbed within existing resources.