

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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**Legislative Document**

**No. 2067**

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H.P. 1451

House of Representatives, December 21, 2007

### **An Act To Require Boating Safety Education**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WATSON of Bath.  
Cosponsored by Representatives: BRYANT of Windham, SYKES of Harrison, Senator PERRY of Penobscot and Representatives: DUCHESNE of Hudson, FAIRCLOTH of Bangor, JACKSON of Allagash, PRATT of Eddington, WHEELER of Kittery, Senator: DAMON of Hancock.

1       **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** in order to provide a much needed safety program on boating safety  
4 education for all Maine boaters due to the increase in fatal accidents, this issue needs to  
5 be addressed as soon as possible for the public good; and

6       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7 the meaning of the Constitution of Maine and require the following legislation as  
8 immediately necessary for the preservation of the public peace, health and safety; now,  
9 therefore,

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

11       **Sec. 1. 12 MRSA §13056, sub-§1-C** is enacted to read:

12       **1-C. Operating with temporary boating safety certificate.** The commissioner  
13 may issue a temporary boating safety certificate registration with the issuance of the  
14 identification number and validation stickers.

15       **Sec. 2. 12 MRSA §13074** is enacted to read:

16       **§13074. Boating safety**

17       **1. Requirements.** Unless otherwise provided by personal watercraft safety  
18 requirements pursuant to section 13071-A, a person may not operate a noncommercial  
19 motorboat or personal watercraft on any waters of the State unless the person:

20       A. Completes and passes a boating safety course approved by a national association  
21 of state boating law administrators or any other course with equivalent standards  
22 approved by the commissioner;

23       B. Possesses a valid license to operate a vessel issued for maritime personnel by the  
24 United States Coast Guard pursuant to 46 Code of Federal Regulations, Part 10  
25 (2007) or a marine certificate issued by the Canadian government;

26       C. Is operating a motorboat or personal watercraft under a supervised program or  
27 activity or is being trained by a person qualified under paragraph A or B;

28       D. In the case of a motorboat, possesses a state-approved nonrenewable temporary  
29 boating safety certificate issued by the commissioner pursuant to section 13056,  
30 subsection 1-C to operate the motorboat that is valid for 90 days with the certificate  
31 of number for the motorboat if the motorboat is new or was sold with a transfer of  
32 ownership;

33       E. Is operating a motorboat or personal watercraft while in possession of a rental or  
34 lease agreement from a motorboat rental or leasing business that lists the person as  
35 the authorized operator of that motorboat or personal watercraft for a period of not  
36 more than 60 days;

1 F. Demonstrates that the person is not a resident and meets any applicable boating  
2 safety requirements and provides proof of training from the state of residency or  
3 possesses a Canadian pleasure craft operator's card; or

4 G. Has assumed operation of the motorboat or personal watercraft due to the illness  
5 or physical impairment of the initial operator and is returning the vessel to shore.

6 **2. Applicability.** This section applies to operators of noncommercial motorboats and  
7 personal watercraft as set out in the schedule in this subsection.

8 A. Beginning June 30, 2011, an operator 20 years of age or younger must meet the  
9 requirements of this section.

10 B. Beginning June 30, 2012, an operator 30 years of age or younger must meet the  
11 requirements of this section except as provided in paragraph A.

12 C. Beginning June 30, 2013, an operator 40 years of age or younger must meet the  
13 requirements of this section except as provided in paragraphs A and B.

14 D. Beginning June 30, 2014, an operator 45 years of age or younger must meet the  
15 requirements of this section except as provided in paragraphs A to C.

16 E. Beginning June 30, 2015, an operator 50 years of age or younger must meet the  
17 requirements of this section except as provided in paragraphs A to D.

18 F. Beginning June 30, 2016, all operators must meet the requirements of this section.

19 **3. Proof of compliance.** A person who operates a motorboat or personal watercraft  
20 on any waters in the State must present evidence, at the request of any law enforcement  
21 officer, that the person has complied with this section. A licensed Maine guide may  
22 request proof of compliance with this section from that guide's clients or customers.

23 **4. Violation.** A person who violates this section commits a Class E crime.

24 **Sec. 3. Program implementation.** The Commissioner of Inland Fisheries and  
25 Wildlife and the Commissioner of Marine Resources shall jointly adopt by rule a boating  
26 safety education program for operators of all noncommercial motorboats and personal  
27 watercraft. In developing the rules, the commissioner shall consult and coordinate with  
28 the boating public, professional organizations for recreational boating safety and the  
29 boating business community. The rules may include, but are not limited to, provisions  
30 regarding:

- 31 1. Compliance;
- 32 2. Statewide availability of the approved courses, including through the Internet;
- 33 3. The issuance of certificates to document successful course completion;
- 34 4. Duplicate certificates and record keeping;
- 35 5. Requirements for course providers and instructor certification;
- 36 6. Equivalency examination criteria; and

