

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)



124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 164

H.P. 143

House of Representatives, January 20, 2009

An Act To Save Lives on Maine Waters

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WATSON of Bath.
Cosponsored by Senator DAMON of Hancock and
Representative: PERCY of Phippsburg, Senator: TRAHAN of Lincoln.

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

2 **Sec. 1. 12 MRSA §13068-A, sub-§4**, as enacted by PL 2003, c. 655, Pt. B, §380
3 and affected by §422 and amended by c. 689, Pt. B, §6, is further amended to read:

4 **4. Operating watercraft without proper safety equipment.** Except as provided in
5 paragraph B, a person may not operate or be a passenger in a watercraft without proper
6 safety equipment as described in paragraph A.

7 A. A person operates or is a passenger in a watercraft without proper safety
8 equipment if the person operates or is a passenger in a watercraft and:

9 (1) Fails to comply with the same requirements pertaining to lights, life-saving
10 devices, fire extinguishers and other safety equipment as required by federal laws
11 and regulations on federal navigable waters, as promulgated under the Federal
12 Boat Safety Act of 1971, Public Law 92-75, as amended;

13 (2) Fails to comply with requirements pertaining to additional equipment not in
14 conflict with federal navigation laws, which the commissioner may prescribe if
15 there is a demonstrated need; or

16 (3) Fails to wear a Coast Guard approved Type I, Type II or Type III personal
17 flotation device while ~~canoeing or kayaking on the Saco River between Hiram~~
18 ~~Dam and the Atlantic Ocean between January 1st and June 1st; or~~ operating or
19 being a passenger in a watercraft.

20 (4) ~~Fails to wear a Coast Guard approved Type I, Type II, Type III or Type V~~
21 ~~personal flotation device while operating a watercraft on:~~

22 ~~(a) The Penobscot River, between the gorge and the head of Big Eddy; or~~

23 ~~(b) The Kennebec River, between Harris Station and Turtle Island, at the~~
24 ~~foot of Black Brook Rapids.~~

25 B. Notwithstanding paragraph A:

26 (1) Canoes, owned by a boys or girls summer camp located upon internal waters
27 in the State and duly licensed by the Department of Health and Human Services
28 and utilized by campers under the direction and supervision of a camp counselor
29 at least 18 years of age or older during training and instruction periods on waters
30 adjacent to the main camp within a distance of 500 feet from the shoreline of that
31 camp, are exempt from this subsection; ~~and~~

32 (2) Log rafts, carrying not more than 2 persons and used on ponds or lakes or
33 internal waters of less than 50 acres in area, are exempt from carrying personal
34 flotation devices;

35 (3) Watercraft carrying people to a watercraft at a mooring site are exempt from
36 this subsection; and

37 (4) Commercial watercraft carrying passengers when the commercial watercraft
38 is required by law to have personal flotation devices on board are exempt from
39 this subsection.

1
2
3
4
5
6
7
8
9
10
11
12
13
14

C. The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.
- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 2. Rules adopted. The Commissioner of Inland Fisheries and Wildlife shall adopt rules to reflect the requirement that all persons who operate or are passengers in a watercraft wear Type I, Type II or Type III personal flotation devices. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill makes it mandatory, with certain exceptions, that everyone in a watercraft wear a personal flotation device.