

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 289

H.P. 229

House of Representatives, February 2, 2009

An Act To Require Boating Safety Education

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 PERRY of Penobscot and
Representatives: DUCHESNE of Hudson, EBERLE of South Portland, PERCY of Phippsburg,
WEBSTER of Freeport, WHEELER of Kittery, WRIGHT of Berwick.

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

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

3 1-C. Operating with temporary boating safety certificate. The commissioner
4 may issue a temporary boating safety certificate registration with the issuance of the
5 identification number and validation stickers.

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

7 §13074. Boating safety

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

13 2. Requirements. A person may not operate a noncommercial motorboat on any
14 waters of the State unless the person:

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

18 B. Possesses a valid license to operate a vessel issued for maritime personnel by the
19 United States Coast Guard pursuant to 46 Code of Federal Regulations, Part 10
20 (2007) or a marine certificate issued by the Canadian government;

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

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

30 E. Is operating a motorboat while in possession of a rental or lease agreement from a
31 motorboat rental or leasing business that lists the person as the authorized operator of
32 that motorboat for a period of not more than 60 days;

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

36 G. Has assumed operation of the motorboat due to the illness or physical impairment
37 of the initial operator and is returning the vessel to shore.

1 **3. Applicability.** This section applies to operators of noncommercial motorboats as
2 set out in the schedule in this subsection.

3 A. Beginning June 30, 2012, an operator 20 years of age or younger must meet the
4 requirements of this section.

5 B. Beginning June 30, 2013, an operator 30 years of age or younger must meet the
6 requirements of this section except as provided in paragraph A.

7 C. Beginning June 30, 2014, an operator 40 years of age or younger must meet the
8 requirements of this section except as provided in paragraphs A and B.

9 D. Beginning June 30, 2015, an operator 45 years of age or younger must meet the
10 requirements of this section except as provided in paragraphs A to C.

11 E. Beginning June 30, 2016, an operator 50 years of age or younger must meet the
12 requirements of this section except as provided in paragraphs A to D.

13 F. Beginning June 30, 2017, all operators must meet the requirements of this section.

14 **4. Proof of compliance.** A person who operates a motorboat on any waters in the
15 State must present evidence, at the request of any law enforcement officer, that the person
16 has complied with this section. A licensed Maine guide may request proof of compliance
17 with this section from that guide's clients or customers.

18 **5. Violation.** The following penalties apply to violations of this section.

19 A. A person who violates this section commits a civil violation for which a fine of
20 not less than \$100 or more than \$500 may be adjudged.

21 B. A person who violates this section after having been adjudicated as violating this
22 section 3 or more times within the previous 5-year period commits a Class E crime.

23 **Sec. 3. Program implementation.** The Commissioner of Inland Fisheries and
24 Wildlife and the Commissioner of Marine Resources shall jointly implement using
25 existing departmental personnel and resources a recreational boating safety education
26 program, referred to in this section as "the program."

27 1. The role of the commissioners in implementing the program is limited to:

28 A. Maintaining current levels of recreational boating safety education by the
29 commissioners;

30 B. Identifying recreational boating safety education programs approved by the
31 National Association of State Boating Law Administrators or a successor
32 organization and certified for use in the State, including but not limited to programs
33 provided by the United States Coast Guard Auxiliary and the United States Power
34 Squadron or a successor organization;

35 C. Issuing temporary boating safety certificates to purchasers of new and used
36 motorboats at the time of issuance of identification numbers and validation stickers
37 pursuant to the Maine Revised Statutes, Title 12, section 13056. The commissioners
38 shall adopt procedures and create any necessary forms to meet the requirements for

1 motorboat rental and leasing businesses and the issuance of temporary boating safety
2 certificates pursuant to Title 12, section 13056, subsection 1-C ;

3 D. Issuing certificates to noncommercial motorboat operators for compliance with
4 the program when those operators have successfully taken equivalency examinations
5 for boating safety education in lieu of taking a boating safety course; and

6 E. Jointly developing rules for program implementation and maintenance.

7 2. In developing the rules pursuant to subsection 1, the commissioners shall consult
8 and coordinate with the boating public and professional organizations for recreational
9 boating safety and the boating business community. Rules may address, but are not
10 limited to addressing:

11 A. Compliance and enforcement procedures;

12 B. Making courses available statewide, including through the Internet;

13 C. The acceptance of certificates, issued by recreational boating safety courses
14 approved by the National Association of State Boating Law Administrators or a
15 successor organization and certified for use in the State, to document successful
16 course completion;

17 D. The issuance of duplicate certificates and record keeping by approved providers
18 of boating safety education;

19 E. Requirements for course providers and instructor certification;

20 F. Equivalency examination criteria;

21 G. The establishment of standardized fees for proctored examinations; and

22 H. The establishment of fees for issuance of temporary certificates and certificates
23 for successful completion of equivalency examinations, not to exceed the cost of
24 issuing certificates and offering equivalency examinations.

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

27 **Sec. 4. Effective date.** This Act takes effect July 1, 2011.

28 **SUMMARY**

29 This bill requires boating safety education for all motorboat users in the State. It
30 requires full compliance for all users by 2017, but creates a phase-in for implementation
31 by age group.