

MAINE STATE LEGISLATURE

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Date: 5/18/19

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 303, L.D. 415, Bill, "An Act Relating to Interference with Navigation on Inland Waters"

Amend the bill by striking out the title and substituting the following:

'An Act to Regulate Swim Areas on Inland Waters'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 12 MRSA c. 220, sub-c. 10 is enacted to read:

SUBCHAPTER 10

REGULATION OF SWIM AREAS ON INLAND WATERS

§1900. Swim areas

1. Definitions. As used in this subchapter, the following terms have the following meanings.

A. "Camping area" means, in addition to the generally accepted interpretations, lakeshore places, picnic and lunch grounds or other premises where tents or recreational vehicles are permitted and licensed under Title 22, section 2495.

B. "Developed swim area" means an area delineated by line buoys in accordance with the aids to navigation system established pursuant to section 1894.

C. "Qualified entity" means a camping area, recreational camp or governmental entity or governmentally sponsored group.

D. "Recreational camp" means day camps, boys and girls camps and family, hunting, fishing and similar camps licensed under Title 22, section 2495.

E. "Swim line" means a line, rope or a series of buoys used to delineate an area of surface water for the purpose of swimming.

F. "Water safety zone" means the area of water within 200 feet of shoreline, whether the shoreline of the mainland or of an island.

2. **Property rights.** Nothing in this subchapter may be construed to affect private property rights or the State's ownership rights over inland waters.

3. **Swim area prohibition.** A person may not establish or maintain a swim line or a developed swim area without a permit issued under subsection 4.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged. Each day a person violates this subsection is a separate violation.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this subchapter within the previous 5-year period commits a Class E crime.

4. **Issuance of permit.** The director may issue a permit only to a qualified entity to establish and maintain a developed swim area within the water safety zone designed to provide recreational swimming opportunities for the public.

5. **Fee; expiration.** Permits issued under subsection 4 expire 5 years after the date of issuance. The director shall establish by rule a fee for the permits, except that a developed swim area established and operated by the State or a governmental entity or a recreational camp may not be charged a fee and its permit does not expire as long as no alterations to the developed swim area are made after the permit is issued.

6. **Enforcement.** A municipally appointed inland harbor master, code enforcement officer or law enforcement officer is primarily responsible for the enforcement of this subchapter.

7. **Rules.** The director shall adopt rules to implement and carry out the purposes of this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. **Appropriations and allocations.** The following appropriations and allocations are made.

CONSERVATION, DEPARTMENT OF

Boating Facilities Fund 0226

Initiative: Provides one-time funding for costs associated with posting public notices and mailing permits.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$3,200	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$3,200</u>	<u>\$0</u>

SUMMARY

This amendment replaces the bill and does the following.

1. It provides that a person may not place or maintain a swim line or developed swim area without a permit issued by the Director of the Bureau of Parks and Lands within the Department of Conservation.

2. It provides that the director may issue a permit for a developed swim area only to a qualified entity and defines "qualified entity" to mean a camping area, recreational camp or governmental entity or governmentally sponsored group.

3. It requires the director to establish by rule a fee for the permits, except that a developed swim area established and operated by the State or a governmental entity or a recreational camp may not be charged a fee and its permit does not expire as long as no alterations to the developed swim area are made after the permit is issued.

4. It specifies that the provisions of the amendment may not be construed to affect private property rights or the State's ownership rights over inland waters.

5. It provides that a municipally appointed inland harbor master, code enforcement officer or law enforcement officer has the primary responsibility for enforcement of developed swim areas and makes a violation a civil violation for each day a violation occurs. After 3 or more violations within a 5-year period, subsequent violations are Class E crimes.

6. It requires the director to adopt routine technical rules.

7. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 415

LR 295(03)

An Act Relating to Interference with Navigation on Inland Waters

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

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
 Minor revenue increase - General Fund

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Other Special Revenue Funds	\$3,200	\$0	\$0	\$0

Correctional and Judicial Impact Statements

Establishes new Class E crimes; increases correctional and judicial costs
 The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

The bill includes a one-time Other Special Revenue Funds allocation to the Department of Conservation of \$3,200 in fiscal year 2009-10 for the cost of public notices and mailing permits. Adequate funds exist within the Boating Facilities Fund to cover this allocation.