

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 415

H.P. 303

House of Representatives, February 10, 2009

### **An Act Relating to Interference with Navigation on Inland Waters**

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PENDLETON of Scarborough.  
Cosponsored by Senator GOOLEY of Franklin and  
Representatives: BRIGGS of Mexico, BRYANT of Windham, CEBRA of Naples,  
VALENTINO of Saco, Senators: BRYANT of Oxford, DIAMOND of Cumberland.

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

2 **Sec. 1. 12 MRSA §1899-D** is enacted to read:

3 **§1899-D. Violation of rules; offenses**

4 **1. Rule violation.** A person commits a civil violation for which a fine of not more  
5 than \$500 may be adjudged if that person:

6 A. Violates any rule or any notice posted at a public boat launch facility or otherwise  
7 published by the bureau; or

8 B. Marks waters contrary to the rules established by the director.

9 **2. Criminal offense.** A person commits a Class E crime if that person:

10 A. Moors a watercraft beyond the water safety zone to any buoy, beacon or  
11 permanent structure placed by the State or any organization authorized to place  
12 markers by permit in waters of this State or in any manner makes fast to any buoy,  
13 beacon or permanent structure, except for a dock, wharf or other structure authorized  
14 for that purpose;

15 B. Intentionally destroys, defaces, damages, moves off station or sinks any buoy,  
16 beacon or marking device either floating on the waters of the State or permanently  
17 fixed to the land or structures adjacent to the water areas of the State that has been  
18 placed by the State or any organization authorized to place markers by permit; or

19 C. Willfully mutilates, defaces or destroys any notice, monument or marker lawfully  
20 erected within or adjoining the borders of a public facility.

21 **Sec. 2. 12 MRSA c. 220, sub-c. 10** is enacted to read:

22 **SUBCHAPTER 10**

23 **INTERFERENCE WITH NAVIGATION ON INLAND WATERS**

24 **§1900. Interference with navigation; swim areas**

25 **1. Definitions.** For the purposes of this subchapter, unless the context indicates  
26 otherwise, the following terms have the following meanings.

27 A. "Organized swim area" means any area on the inland waters enclosed by official  
28 swim line-floats and regulatory markers for the purpose of protecting swimmers. An  
29 organized swim area may be created only by a governmental entity or commercial  
30 campground within the water safety zone.

31 B. "Water safety zone" means that area of water within 200 feet of the shoreline of  
32 the mainland or of an island.

33 **2. Organized swim area; permit.** Only a governmental entity or commercial  
34 campground may obtain a permit issued by the director to designate an organized swim  
35 area.

1           **3. Uniform marking.** The director may adopt rules for the uniform marking of  
2           organized swim areas.

3           **4. Fee; expiration.** Permits issued under subsection 2 expire 5 years after the date  
4           of issuance. The director shall establish by rule the fees for the permits, except that an  
5           organized swim area owned and operated by the State or a governmental entity may not  
6           be charged a fee and its permit does not expire as long as no alterations to the organized  
7           swim area are made after the permit is issued.

8           **5. Civil violation.** A person commits a civil violation for which a fine of not more  
9           than \$500 may be adjudged if that person knowingly places a swim line within or beyond  
10           the water safety zone, or places a mooring or swimming and diving float beyond the  
11           water safety zone.

12           **6. Rules.** The director may adopt rules to implement this section. Rules adopted  
13           pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
14           subchapter 2-A.

15

### SUMMARY

16           This bill prohibits the use of swim line-floats or regulatory markers for the purpose of  
17           protecting swimmers by a person other than a governmental entity or commercial  
18           campground that has obtained an organized swim area permit issued by the director. This  
19           bill defines "organized swim area" and "water safety zone." The bill makes violation of  
20           any rule or notice posted at a public boat launch facility or otherwise published by the  
21           Department of Conservation, Bureau of Parks and Lands and the marking of waters  
22           contrary to rules of the Director of the Bureau of Parks and Lands civil violations. This  
23           bill makes mooring of a watercraft beyond the water safety zone to a buoy, beacon or  
24           permanent structure placed by the State; intentionally destroying, defacing, damaging,  
25           moving or sinking a buoy, beacon or marking device floating on the waters of the State or  
26           permanently fixed to land or structures adjacent to water; and mutilating or destroying a  
27           notice at a public facility Class E crimes.