

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 342

S.P. 108

In Senate, February 2, 2017

An Act To Require the Use of Personal Flotation Devices in Canoes

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator MAKER of Washington.
Cosponsored by Representative STEWART of Presque Isle and
Senators: DAVIS of Piscataquis, ROSEN of Hancock, Representatives: FULLER of Lewiston,
HUBBELL of Bar Harbor, McCREA of Fort Fairfield, TUELL of East Machias.

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

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

4 A. A person operates a watercraft without proper safety equipment if the person
5 operates a watercraft and:

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

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

13 (3) Fails to wear a Coast Guard approved Type I, Type II or Type III personal
14 flotation device while ~~canoeing~~ or kayaking on the Saco River between Hiram
15 Dam and the Atlantic Ocean between January 1st and June 1st; or

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

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

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

21 **Sec. 2. 12 MRSA §13068-A, sub-§17** is enacted to read:

22 **17. Safety requirements for canoes.** The following provisions apply to operating
23 or being a passenger in a canoe.

24 A. A person may not operate or be a passenger in a canoe unless the person is
25 wearing a Coast Guard approved Type I, Type II or Type III personal flotation
26 device.

27 B. The following penalties apply to violations of this subsection.

28 (1) A person who violates this subsection commits a civil violation for which a
29 fine of not less than \$100 nor more than \$500 may be adjudged.

30 (2) A person who violates this subsection after having been adjudicated as
31 having committed 3 or more civil violations under this Part within the previous 5-
32 year period commits a Class E crime.

33 **SUMMARY**

34 This bill requires the use of a Coast Guard approved Type I, Type II or Type III
35 personal flotation device while canoeing.