

# MAINE STATE LEGISLATURE

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Date: 5/25/21

**INLAND FISHERIES AND WILDLIFE**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 80, L.D. 114, "An Act To Address Airboat Operation in the State"

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

**Sec. 1. 12 MRSA §13068-A, sub-§10**, as amended by PL 2019, c. 662, §§1 and 2, is further amended to read:

**10. Operating motorboat that exceeds noise limits.** The following provisions govern noise limits.

A. A person may not operate a motorboat in such a manner as to exceed:

- (1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or
- (2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner.

As used in this paragraph, "motorboat" does not include an "airboat," which has the same meaning as in paragraph A-1 A-2.

~~A-1. A person may not operate an airboat in such a manner as to exceed noise level limits established by the commissioner by rule. Rules adopted under this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2 A. For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft type propeller and powered by either an aircraft engine or an automotive engine.~~

A-2. A person may not operate an airboat:

- (1) If the noise level of the airboat exceeds 90 decibels as measured in a stationary sound level test as prescribed by SAE standards J-2005;
- (2) Between the hours of 7 p.m. and 7 a.m. in such a manner as to exceed a noise level of 75 decibels on the "A" scale as measured by the SAE standards J-1970,

**COMMITTEE AMENDMENT**

1 referred to in this paragraph as "the shoreline test," except to the extent necessary  
2 to achieve headway speed when leaving a boat launch or to move the airboat from  
3 a stationary position on a tidal flat; or

4 (3) After 7 a.m. and before 7 p.m. in such a manner as to exceed a noise level of  
5 90 decibels as measured by the shoreline test, except to the extent necessary to  
6 achieve headway speed when leaving a boat launch or to move the airboat from a  
7 stationary position on a tidal flat.

8 For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled  
9 by an aircraft-type propeller and powered by either an aircraft engine or an automotive  
10 engine and "SAE standards" means technical standards adopted by the Society of  
11 Automotive Engineers.

12 This paragraph does not apply to the operation of an airboat by a marine patrol officer  
13 appointed under section 6025, subsection 1, a game warden or a municipal law  
14 enforcement officer.

15 This paragraph is repealed on September 30, 2022.

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

17 (1) A person who violates this subsection commits a civil violation for which a  
18 fine of not less than \$300 nor more than \$500 may be adjudged.

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

22 C. This subsection does not apply to motorboats that are operating in a regatta or race  
23 approved by the commissioner under section 13061.

24 **Sec. 2. Stakeholder group on airboat noise issues.** The Commissioner of  
25 Marine Resources and the Commissioner of Inland Fisheries and Wildlife, referred to in  
26 this section as "the commissioners," shall convene a stakeholder group on issues related to  
27 airboat noise, referred to in this section as "the stakeholder group."

28 **1. Formation.** The stakeholder group must include a marine patrol officer and a game  
29 warden appointed by the commissioners. The commissioners shall also invite the following  
30 to serve as members of the stakeholder group: 3 commercial marine shellfish harvesters  
31 who operate airboats; 3 resident coastal property owners; 2 municipal marine shellfish  
32 officers; and 2 coastal municipal administrators. The commissioners or the commissioners'  
33 designees serve as cochairs of the stakeholder group. The cochairs shall call and convene  
34 the first meeting of the stakeholder group no later than 30 days following the effective date  
35 of this section.

36 **2. Duties.** The stakeholder group:

37 A. Shall examine and determine airboat mechanical systems and adjustments that  
38 result in the lowest practically achievable airboat decibel levels;

39 B. Shall examine and determine available federal or other funding to assist airboat  
40 owners in addressing any identified deficiencies in their airboat mechanical systems to  
41 achieve the results determined under paragraph A; and

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C. May examine any related issues that the stakeholder group determines appropriate, including but not limited to establishing and restoring shellfish harvester access to coastal tidal areas, airboat operational techniques to allow for lower decibel levels and appropriate training and equipment for state and municipal law enforcement officers.

**3. Staff; information.** The commissioners shall provide necessary staffing services to the stakeholder group. Within existing resources, the commissioners shall arrange for input from experts in airboat noise. The commissioners shall also ensure that local sound data related to airboat use on inland and coastal waters using SAE standards J-1970, SAE standards J-34 and SAE standards J-2005 testing procedures is gathered and provided to the stakeholder group. For the purposes of this subsection, "SAE standards" means technical standards adopted by the Society of Automotive Engineers.

**4. Report.** By January 15, 2022, the commissioners shall report to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Inland Fisheries and Wildlife the findings and recommendations of the stakeholder group, including any recommended legislation. After receiving the report, the Joint Standing Committee on Inland Fisheries and Wildlife may report out a bill relating to airboats to the 130th Legislature.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment replaces the bill, which is a concept draft. This amendment:

1. Repeals current law requiring the Department of Inland Fisheries and Wildlife to establish noise level limits for airboats by rule and replaces it with a provision establishing temporary airboat noise limits. It establishes a noise limit of 90 decibels as measured in a stationary sound level test as prescribed by the Society of Automotive Engineers, or SAE, in SAE standards J-2005. Between the hours of 7 p.m. and 7 a.m. the operational noise limit is 75 decibels as measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to get off a tidal flat. After 7 a.m. and before 7 p.m. the operational noise limit is 90 decibels as measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to get off a tidal flat. This statutory provision establishing noise limits is repealed September 30, 2022;

2. Directs the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to convene and work with a stakeholder group to examine and determine airboat mechanical systems and adjustments that result in the lowest practically achievable airboat decibel levels and to examine and determine available federal or other funding to assist airboat owners in addressing any identified deficiencies in their airboat mechanical systems to achieve those results. The stakeholder group may also examine other issues related to airboats such as establishing and restoring shellfish harvester access to coastal tidal areas, airboat operational techniques to allow for lower decibel levels and appropriate training and equipment for state and municipal law enforcement officers;

3. Within existing resources, requires the commissioners to arrange for input from experts in airboat noise and collect local sound data related to airboat use on inland and

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1 coastal waters using SAE standards J-1970, SAE standards J-34 and SAE standards J-2005  
2 testing procedures; and

3 4. By January 15, 2022, requires the commissioners to report to the Joint Standing  
4 Committee on Marine Resources and the Joint Standing Committee on Inland Fisheries and  
5 Wildlife the findings and recommendations on airboat noise. After receiving the report,  
6 the Joint Standing Committee on Inland Fisheries and Wildlife may report out a bill relating  
7 to airboats to the 130th Legislature.

8 **FISCAL NOTE REQUIRED**

9 (See attached)



# 130th MAINE LEGISLATURE

LD 114

LR 238(02)

An Act To Address Airboat Operation in the State

Fiscal Note for Bill as Amended by Committee Amendment *A (H-238)*  
Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to the Department of Inland Fisheries and Wildlife or the Department of Marine Resources as a result of the provisions of this bill are anticipated to be minor and can be absorbed within existing budgeted resources.