

MAINE STATE LEGISLATURE

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Date: 3/29/22

(Filing No. H-880)

Minority
INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1234, L.D. 1663, "An Act To Improve Boating Safety on Maine Waters"

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

Sec. 1. 12 MRSA §13001, sub-§6-A is enacted to read:

6-A. Boater safety and education course. "Boater safety and education course" means an online or in-person education course that:

A. Provides basic information for recreational boaters about how to identify and reduce primary boating risk factors and mitigate the dangers of recreational boating; and

B. Meets a national association of boating law administrators standard and is approved by the commissioner pursuant to section 13052, subsection 2.

Sec. 2. 12 MRSA §13001, sub-§6-B is enacted to read:

6-B. Boater safety and education course certificate. "Boater safety and education course certificate" means a certificate or other evidence of completion of a boater safety and education course specified or approved by the commissioner pursuant to section 13052, subsection 2.

Sec. 3. 12 MRSA §13052, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Promote safety; education courses. The commissioner shall promote safety for persons and property in connection with the use and operation of watercraft. The commissioner, in accordance with section 13051, shall implement the boater safety and education course requirements of this chapter.

Sec. 4. 12 MRSA §13068-A, sub-§3-A is enacted to read:

3-A. Supervising young person. Beginning January 1, 2024, a person born on or after January 1, 1999 may not supervise a person in accordance with subsection 3 unless

COMMITTEE AMENDMENT

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1 that supervisor is 16 years of age or older and has completed a boater safety and education
2 course.

3 This subsection does not apply to the operation of personal watercraft.

4 A. A person who violates this subsection commits a civil violation for which a fine of
5 not less than \$100 nor more than \$500 may be adjudged.

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

9 **Sec. 5. 12 MRSA §13068-A, sub-§17** is enacted to read:

10 **17. Operating motorboat without boater safety and education course certificate.**

11 The following provisions apply to operating a motorboat.

12 A. Except as provided in paragraph C, beginning January 1, 2024, a person born on or
13 after January 1, 1999 may not operate a motorboat propelled by machinery capable of
14 producing more than 25 horsepower unless that person is 12 years of age or older:

15 (1) Has completed a boater safety and education course; and

16 (2) Possesses and presents for inspection upon request to a law enforcement officer
17 a boater safety and education course certificate.

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

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

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

24 C. A person is not required to meet the boater safety and education course requirement
25 of this subsection if the person:

26 (1) Possesses a valid Maine guide license and has met the requirements for carrying
27 passengers for hire under section 13063; or

28 (2) Possesses a valid maritime license of any type that the commissioner
29 determines, pursuant to section 13052, subsection 2, meets the boater safety
30 education purposes of this subsection.

31 **Sec. 6. 12 MRSA §13071-A, sub-§5**, as enacted by PL 2005, c. 536, §1 and
32 affected by §3, is amended to read:

33 **5. Operating personal watercraft while 16 years of age or older and under 18**
34 **years of age; boater education.** The Until January 1, 2024, the following provisions apply
35 to operating a personal watercraft by a person 16 years of age or older and under 18 years
36 of age.

37 A. A person 16 years of age or older and under 18 years of age may not operate a
38 personal watercraft unless:

39 (1) That person is accompanied by a person 18 years of age or older who physically
40 occupies the personal watercraft; or

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(2) While operating the personal watercraft, that person possesses on that person identification showing proof of age and proof of successful completion of a boater safety education course approved by a national association of state boating law administrators, including but not limited to courses offered by the U.S. Coast Guard Auxiliary or other organizations approved by the commissioner for providing boater safety education courses. The commissioner shall establish a list of approved organizations for providing boater safety education courses and make that list readily available to the public.

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

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

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

This subsection is repealed on January 1, 2024.

Sec. 7. 12 MRSA §13071-A, sub-§6 is enacted to read:

6. Operating personal watercraft while 16 years of age or older; boater safety and education course requirement. Beginning January 1, 2024, a person born on or after January 1, 1999 may not operate a personal watercraft unless that person is 16 years of age or older and has completed a boater safety and education course.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

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

Sec. 8. Stakeholder group on boater safety and education course implementation. The Commissioner of Inland Fisheries and Wildlife shall convene a stakeholder group on issues related to boater safety and education, referred to in this section as "the stakeholder group."

1. Formation. The commissioner shall invite the following to serve as members of the stakeholder group: a representative from the marine trades, a representative from a sporting association, a representative of the Department of Marine Resources, a Legislator, a representative of a group dedicated to lake water quality and any other members determined as suitable by the commissioner. The commissioner or the commissioner's designee shall serve as chair of the stakeholder group. The chair shall call and convene the first meeting of the stakeholder group no later than 30 days following the effective date of this section.

2. Duties. The stakeholder group:

A. Shall examine and determine whether persons of a certain age should be exempt from the boater safety and education course requirement;

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B. Shall examine any boater safety and education course implementation issues, including the effect of boater safety and education on inland and tidal waters of the State; and

C. May examine any related issues that the stakeholder group determines appropriate.

3. Staff; information. The commissioner shall provide necessary staffing services to the stakeholder group.

4. Report. By January 15, 2023, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters the findings and recommendations of the stakeholder group, including any recommended legislation, if needed. After receiving the report, the committee may report out a bill relating to boater safety and education to the 131st Legislature in 2023.'

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

SUMMARY

This amendment replaces the bill. The amendment does the following.

1. Beginning January 1, 2024, it requires a person born on or after January 1, 1999 to be 16 years of age or older and to have completed a boater safety and education course to supervise a person under 12 years of age who operates a motorboat propelled by machinery capable of producing more than 10 horsepower.

2. Beginning January 1, 2024, it requires a person born on or after January 1, 1999 to be 12 years of age or older and to have completed a mandatory boater safety and education course to operate a motorboat capable of producing more than 25 horsepower.

3. Beginning January 1, 2024, it requires a person born on or after January 1, 1999 to be 16 years of age or older and to have completed a boater safety and education course to operate a personal watercraft.

4. It requires the Commissioner of Inland Fisheries and Wildlife to convene a stakeholder group on boater safety and education. The commissioner is required to provide a report to the Legislature by January 15, 2023 on the findings of the stakeholder group. After receiving the report, the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters has authority to report out a bill relating to boater safety and education to the 131st Legislature in 2023.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 1663

LR 540(03)

An Act To Improve Boating Safety on Maine Waters

Fiscal Note for Bill as Amended by Committee Amendment

B" CH-880)

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

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

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional fines may increase General Fund or other dedicated revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Department of Inland Fisheries and Wildlife and 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.