

MAINE STATE LEGISLATURE

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Date 6/5/23 Minority

L D 693
(Filing No H-336)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 462, L D 693, "An Act to Protect Inland Water Quality, Shorelines, Wildlife and Public Safety by Prohibiting Operation of a Wake Boat to Create an Enhanced Wake Close to Shore or in Shallow Water"

Amend the bill by inserting after the title and before the enacting clause the following

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies, and

Whereas, this legislation adds increased regulation to the operation of boats equipped with wake-enhancing equipment, and

Whereas, this legislation must take effect in time for the start of the next summer recreational boating season, and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,'

Amend the bill by striking out all of section 7 and inserting the following

'Sec. 7. 12 MRSA §13068-A, sub-§16, ¶A, as enacted by PL 2003, c 655, Pt B, §380 and affected by §422 and amended by PL 2011, c 682, §38, is further amended by enacting a new subparagraph (23) to read

(23) Operate a wake boat in wake-surfing mode on any body of water in the State, except that a person may operate a wake boat in wake-surfing mode outside of a wake safety zone of a lake that has been determined by the commissioner to be safe for wake boat operation pursuant to section 13068-B

Sec. 8. 12 MRSA §13068-B is enacted to read

§13068-B. Approved wake-surfing lakes

1. List of approved wake-surfing lakes. The commissioner shall adopt by rule a list of lakes that are approved for operation of a wake boat in wake-surfing mode outside of a

COMMITTEE AMENDMENT

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1 wake safety zone. The list may be amended by rule in accordance with the provisions of
2 subsections 2 and 3 based on criteria established by the commissioner. Rules adopted
3 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
4 subchapter 2-A.

5 2. Addition of lakes to list. The commissioner may adopt rules to amend the list
6 established under subsection 1 to add a lake if that lake meets criteria established by the
7 commissioner for classifying a lake as approved for wake surfing. Rules adopted pursuant
8 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
9 2-A. A public hearing on the rules must be held prior to adoption of the rules and conducted
10 in accordance with the provisions of Title 5, chapter 375.

11 3. Removal of lakes from list. The commissioner may by rule remove a lake from
12 the list established under subsection 1. Rules adopted pursuant to this subsection are routine
13 technical rules as defined in Title 5, chapter 375, subchapter 2-A. A public hearing on the
14 rules must be held prior to adoption of the rules and conducted in accordance with the
15 provisions of Title 5, chapter 375.

16 **Sec. 9. Appropriations and allocations.** The following appropriations and
17 allocations are made

18 **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**
19 **Enforcement Operations - Inland Fisheries and Wildlife 0537**

20 Initiative Provides one-time funding for the purchase of law enforcement-rated range
21 finders and depth finders

22	GENERAL FUND	2023-24	2024-25
23	All Other	\$110,285	\$0
24			
25	GENERAL FUND TOTAL	<u>\$110,285</u>	<u>\$0</u>

26 **Enforcement Operations - Inland Fisheries and Wildlife 0537**

27 Initiative Provides funding for contracted services to develop and maintain a list of lakes
28 that allow the use of wake boats in wake-surfing mode

29	GENERAL FUND	2023-24	2024-25
30	All Other	\$29,669	\$29,669
31			
32	GENERAL FUND TOTAL	<u>\$29,669</u>	<u>\$29,669</u>

34 **INLAND FISHERIES AND WILDLIFE,**
35 **DEPARTMENT OF**
36 **DEPARTMENT TOTALS**

37		2023-24	2024-25
38	GENERAL FUND	\$139,954	\$29,669
39			
40	DEPARTMENT TOTAL - ALL FUNDS	<u>\$139,954</u>	<u>\$29,669</u>

41
42 Amend the bill by adding before the summary the following



131st MAINE LEGISLATURE

LD 693

LR 551(02)

An Act to Protect Inland Water Quality, Shorelines, Wildlife and Public Safety by Prohibiting Operation of a Wake Boat to Create an Enhanced Wake Close to Shore or in Shallow Water

Fiscal Note for Bill as Amended by Committee Amendment *A (H-336)*
Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$139,954	\$29,669	\$29,669	\$29,669
Appropriations/Allocations				
General Fund	\$139,954	\$29,669	\$29,669	\$29,669

Correctional and Judicial Impact Statements

This bill establishes new civil violations. 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 fine revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

This bill directs the Department of Inland Fisheries and Wildlife to develop a list of lakes where wake boats can be used in wake-surfing mode. It includes ongoing General Fund appropriations of \$29,669 beginning in the fiscal year 2023-24 for contracted services to develop and maintain the list of approved wake boat lakes. The bill also includes a one-time General Fund appropriation of \$110,285 in fiscal year 2023-24 for the purchase of 115 law enforcement-rated range finders and depth finders to be distributed to staff for additional enforcement activities related to wake boat use.