

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1807

H.P. 1152

House of Representatives, April 25, 2023

**An Act to Implement the Recommendations of the Department of
Inland Fisheries and Wildlife's Report on Boater Safety Education**

Reported by Representative LANDRY of Farmington for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Public Law 2021, chapter 656, section 8.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 12 MRSA §13001, sub-§6-B**, as enacted by PL 2021, c. 656, §2, is amended
3 to read:

4 **6-B. Boater safety and education course certificate.** "Boater safety and education
5 course certificate" means a certificate or other evidence of completion of a boater safety
6 and education course or an equivalency exam specified or approved by the commissioner
7 pursuant to section 13052, subsection 2.

8 **Sec. 2. 12 MRSA §13001, sub-§24-A** is enacted to read:

9 **24-A. Recreational boating.** "Recreational boating" means operating a motorboat
10 primarily for the operator's pleasure or leasing, renting or chartering a motorboat to another
11 person for the other person's pleasure. "Recreational boating" does not include using a
12 motorboat engaged in the carriage of passengers for hire.

13 **Sec. 3. 12 MRSA §13052, sub-§2**, as amended by PL 2021, c. 656, §3, is further
14 amended to read:

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

19 **Sec. 4. 12 MRSA §13068-A, sub-§3-A**, as enacted by PL 2021, c. 656, §4, is
20 amended by amending the first blocked paragraph to read:

21 This subsection does not apply to the operation of personal watercraft or motorboats other
22 than for recreational boating purposes.

23 **Sec. 5. 12 MRSA §13068-A, sub-§17, ¶A**, as enacted by PL 2021, c. 656, §5, is
24 amended to read:

25 A. Except as provided in paragraph C, beginning January 1, 2024, a person born on or
26 after January 1, 1999 may not operate on inland waters of this State or territorial waters,
27 as defined in section 6001, subsection 48-B, a motorboat for recreational boating
28 purposes propelled by machinery capable of producing more than 25 horsepower
29 unless that person is 12 years of age or older and:

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

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

33 **Sec. 6. 12 MRSA §13068-A, sub-§17, ¶C**, as enacted by PL 2021, c. 656, §5, is
34 amended to read:

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

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

39 (2) ~~Possesses a valid maritime license of any type that the commissioner~~
40 ~~determines, pursuant to section 13052, subsection 2, meets the boater safety~~

1 ~~education purposes of this subsection.~~ or expired United States merchant marine
2 document issued by the United States Coast Guard for an operator of uninspected
3 passenger vessel, or master or mate captain's license;

4 (3) Is test driving a motorboat that is registered in accordance with section
5 13060-A and that is offered for sale by a dealer that has been issued a watercraft
6 dealer's certificate of number and the person is under the direct supervision of a
7 person 16 years of age or older who has completed a boater safety and education
8 course;

9 (4) Possesses a rental or lease agreement that lists the person as an authorized
10 operator of the motorboat and the person has completed a temporary boater safety
11 course provided by the rental agent who has been issued a certificate of number as
12 described in section 13064. A renter or lessor meeting the requirements of this
13 subparagraph may operate the rented or leased motorboat for up to 14 days from
14 the date of course completion or for the duration of the rental agreement, whichever
15 is earlier; or

16 (5) Is not a citizen of the United States, arrived to the United States by sea and is
17 temporarily operating on territorial waters as defined in section 6001, subsection
18 48-B for 60 days or less.

19 **Sec. 7. 12 MRSA §13071-A, sub-§6**, as enacted by PL 2021, c. 656, §7, is amended
20 to read:

21 **6. Operating personal watercraft while 16 years of age or older; boater safety and**
22 **education course requirement.** Beginning January 1, 2024, a person born on or after
23 January 1, 1999 may not operate a personal watercraft on inland waters of the State or
24 territorial waters, as defined in section 6001, subsection 48-B, unless that person is 16 years
25 of age or older and has completed a boater safety and education course.

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

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

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

32 SUMMARY

33 This bill proposes statutory changes based on recommendations included in the report
34 made by the stakeholder group on issues related to boater safety and education on inland
35 waters of the State to the Joint Standing Committee on Inland Fisheries and Wildlife
36 pursuant to Public Law 2021, chapter 656. The committee has not taken a position on the
37 substance of this bill. By reporting this bill out, the committee is not suggesting and does
38 not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee
39 is reporting the bill out for the sole purpose of having a bill printed that can be referred to
40 the committee for an appropriate public hearing and subsequent processing in the normal
41 course. The committee is taking this action to ensure clarity and transparency in the
42 legislative review of the proposals contained in the bill.

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The bill implements recommendations of the stakeholder group by:

1. Defining recreational boating as being primarily used for pleasure and excluding from that definition the use of motorboats carrying passengers for hire;
2. Applying the boater safety and education course requirement for inland waters to territorial waters defined by the Maine Revised Statutes, Title 12, section 6001; and
3. Adding exemptions to the requirement of a boater safety and education course to possessors of valid or expired United States merchant marine licensure documents, persons test driving a motorboat as part of a possible purchase, persons renting a motorboat who have completed a temporary boater safety course and noncitizens who arrive by sea and are temporarily using Maine's territorial waters.