

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2272

H.P. 1461

House of Representatives, March 20, 2024

An Act Related to Airboats and Airboat Noise Limits

(EMERGENCY)

Reported by Representative LANDRY of Farmington for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Public Law 2021, chapter 585, section 2.

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

ROBERT B. HUNT
Clerk

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

3 **Whereas,** the Legislature enacted legislation in 2023 to extend the repeal date of the
4 provisions of law establishing airboat noise limits but this legislation did not take effect
5 before the provisions were repealed; and

6 **Whereas,** the stakeholder group on airboat noise issues convened pursuant to Public
7 Law 2021, chapter 166 and extended by Public Law 2021, chapter 585 and Public Law
8 2023, chapter 209 has recommended that the decibel level limits for airboats be
9 reestablished immediately; and

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

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

15 **Sec. 1. 12 MRSA §13068-A, sub-§10, ¶A,** as amended by PL 2021, c. 166, §1, is
16 further amended by amending the first blocked paragraph to read:

17 As used in this paragraph, "motorboat" does not include an "airboat," ~~which has the~~
18 ~~same meaning as defined in paragraph A-2 subsection 10-A.~~

19 **Sec. 2. 12 MRSA §13068-A, sub-§10-A** is enacted to read:

20 **10-A. Operating airboat that exceeds noise limits.** The following provisions govern
21 airboat noise limits.

22 A. A person may not operate an airboat:

23 (1) If the noise level of the airboat exceeds 90 decibels as measured in a stationary
24 sound level test as prescribed by SAE standards J-2005;

25 (2) Between the hours of 7 p.m. and 7 a.m. in such a manner as to exceed a noise
26 level of 75 decibels on the "A" scale as measured by the SAE standards J-1970,
27 referred to in this paragraph as "the shoreline test," except to the extent necessary
28 to achieve headway speed when leaving a boat launch or to move the airboat from
29 a stationary position on a tidal flat; or

30 (3) After 7 a.m. and before 7 p.m. in such a manner as to exceed a noise level of
31 90 decibels as measured by the shoreline test, except to the extent necessary to
32 achieve headway speed when leaving a boat launch or to move the airboat from a
33 stationary position on a tidal flat.

34 B. This subsection does not apply to the operation of an airboat by a marine patrol
35 officer appointed under section 6025, subsection 1, a game warden or a municipal law
36 enforcement officer.

37 C. The following penalties apply to violations of this subsection.

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

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

4 For purposes of this subsection, "airboat" means a flat-bottomed watercraft propelled by
5 an aircraft-type propeller and powered by either an aircraft engine or an automotive engine
6 and "SAE standards" means technical standards adopted by the Society of Automotive
7 Engineers.

8 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
9 takes effect when approved.

10 **SUMMARY**

11 This bill is reported out by the Joint Standing Committee on Inland Fisheries and
12 Wildlife pursuant to Public Law 2021, chapter 585. The bill provides that a person may
13 not operate an airboat:

- 14 1. If the noise level of the airboat exceeds 90 decibels;
15 2. Between 7 p.m. and 7 a.m. if the noise level of the airboat exceeds 75 decibels,
16 except to the extent necessary to achieve headway speed when leaving a boat launch or to
17 move the airboat from a stationary position on a tidal flat; or
18 3. Between 7 a.m. and 7 p.m. if the noise level of the airboat exceeds 90 decibels,
19 except to the extent necessary to achieve headway speed when leaving a boat launch or to
20 move the airboat from a stationary position on a tidal flat.

21 The bill also defines "airboat" and outlines penalties for violating these provisions and
22 provides exceptions for certain law enforcement officers.

23 **FISCAL NOTE REQUIRED**
24 **(See attached)**



131st MAINE LEGISLATURE

LD 2272

LR 3128(01)

An Act Related to Airboats and Airboat Noise Limits

Fiscal Note for Original Bill
Committee: Inland Fisheries and Wildlife
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Inland Fisheries and Wildlife from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.