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Report Back and Recommendations on Boater Safety Education



Presented To: First Regular Session of the 131st Legislature's Joint Standing Committee on Inland Fisheries & Wildlife

Presented By: The Department of Inland Fisheries & Wildlife [IFW] on behalf of the Mandatory Boater Safety Education Stakeholder Group

Date: January 15, 2023

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EXECUTIVE SUMMARY

Maine's vast inland and coastal waters are one of the reasons people enjoy living in Maine and nonresidents consider our state a tourist destination. With more than 6,000 lakes and ponds, over 3,500 miles of coastline and approximately 32,000 miles of rivers, outdoor enthusiasts participate in a wide variety of water related activities such as fishing (both recreationally and commercially), recreational boating, water-skiing, birdwatching, canoeing, kayaking, standup paddle-boarding, sailing, hunting, camping and rafting.

Increased use of these aquatic resources brings competing interests and sometimes conflict between user groups. Anytime there is a discussion related to access and use of public waters, those involved should be reminded that Maine adheres to the Public Trust Doctrine. In essence this doctrine ensures that Maine waters and most submerged lands below them are publicly owned and must be available to all citizens equally for the purposes of fishing, fowling and navigation. State agencies involved in managing use on Maine waters often hear of issues among shorefront property owners, day users who don't live on the water, people who make their living on the water and those who simply want to recreate in a variety of ways.

Participation in these popular activities on Maine's waters has increased the need for water access locations and enforcement. Public use has increased dramatically, but so have complaints related to operation of boats too close to shore, disturbing wildlife, unsafe boating behavior, environmental concerns related to large wakes and conflicts with shorefront property owners or at public boat access sites.

Many bills were proposed during past legislative sessions aimed to correct these issues, sometimes trying to restrict horsepower on one water body or restricting certain uses on many water bodies. The Department encouraged the IFW Committee to look at education as the best way to address the issues.

In 2021 during the 1st Regular Session of the 130th Legislature "L.D. 1663 An Act To Improve Boating Safety on Maine Waters", sponsored by Representative Jessica Fay was introduced to the IFW committee. This was carried over to the 2nd Session and IFW provided a report back.

The bill passed and became [PUBLIC LAW 2022 CHAPTER 656](#), in 2022 and as part of the law, the IFW committee required a stakeholder group be formed with a goal of reporting back on its proposals in 2023. The focus of the group was to discuss how mandatory boater education should be implemented in Maine.

The stakeholder group brought representatives from the marine trades, a sporting association, the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the National Association of State Boating Law Administrators, a legislator, a lake water quality association, a summer camp representative, and a marina/boat dealer/rental agent.

During the stakeholder process 6 meetings were held from 6/29/22 to 12/5/22. Though the members of the stakeholder group didn't always share the same opinion on each topic discussed, consensus on the proposals put forth to this Committee were supported by the majority. Detail on their specific opinions are provided within this report on pages 7-14. The collective recommendations of the stakeholder group include statutory changes, policy changes and educational outreach. Here are some of the highlights:

1. Define recreational boating;
2. Exemption for customers testing a boat with a boat dealer;
3. Requiring recreational boaters on territorial waters have a boater safety course;
4. Clearer description of the type of maritime license that can be exempt from the boater education course;
5. Allow boat rental agents to offer a temporary boating safety course;
6. Allow IFW to offer an equivalency exam;
7. Exemption for transient boaters/foreign vessels, not citizens of the U.S. who arrive via boat into territorial waters for up to 60 days;
8. Keep the current born-after-date; and
9. Proposal for IFW to include website links related to environmental issues.

HOW WE GOT HERE

In 2021, during the 1st Regular Session of the 130th Legislature L.D. 1663 An Act To Improve Boating Safety on Maine Waters, sponsored by Representative Jessica Fay was introduced to this committee. The public hearing occurred late in the session during the pandemic and some members of the public complained that there was too little notice to be able to testify. IFW testified in support of the bill, the following link provides the testimony:

[MDIFW Testimony on LD 1663 in 2021](#)

2021 - Legislative Session & Carryover

During 1st Regular Session of the 130th in addition to L.D. 1663, the Committee considered several boating bills relating to poor behavior, impact to shorefront property, wildlife, the environment, and overall lack of tolerance to various types of boat noise, motors, and operation etc. The Department offered and encouraged education as a potential solution during many of those discussions. The IFW committee voted to carry L.D. 1663 over to the 2nd Regular Session of the 130th (2022) to allow time for the Department to work on some modifications to the language in the bill. In between the 1st and 2nd regular sessions of the 130th the Department worked with their colleague Mark Chanski, Education Director for the National Association of State Boating Law Administrators (NASBLA) to gain an understanding of the different approaches to mandatory boater education around the United States and kept Representative Fay (bill sponsor) informed of the progress.

2022 - Report Back from IFW to Committee

On January 19, 2022, during the 2nd Regular Session of the 130th IFW provided a report on its research and [information concerning mandatory boater education across the country.](#)

[2022 Report Back on Boater Education to IFW Committee](#)

NOTE: Some key proposals within the above report that IFW asked the IFW committee to consider on inland waters only were:

- Require all motorboat operators to have taken a Department approved boater safety and education course by January 1, 2025 to operate on inland waters; or
- Require all motorboat operators born after a certain date to have taken a Department approved boater safety and education course.
- Require operators to have proof available (just like fishing, or driver's licenses); and
- Require data from online course vendors approved by the Department.

January 2022- After the Department presented the report back, the Committee considered an amended version of the original bill. The amended version proposed a 5-year phase in approach so that anyone operating a motorboat capable of producing more than 25 horsepower would have to complete a boater education course prior to 2027.

January 24, 2022- The committee voted unanimously for this version.

February 24, 2022-The Committee held a work session in which the bill was tabled.

February 28, 2022- It was reconsidered. The majority vote was for an amendment that required anyone born on or after January 1, 1999 and operating a motorboat capable of producing more than 25 horsepower engine on inland waters to complete a boater education course by January 1, 2024.

2022 - New Boater Education Law and Stakeholder Group Formed

The IFW committee passed [PUBLIC LAW 2022 CHAPTER 656](#), titled “An Act To Improve Boating Safety on Maine Waters”.

The law directed the stakeholder group to:

- Examine and determine whether persons of a certain age should be exempt from the boater safety and education course requirement;
- 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
- Could examine any related issues that the stakeholder group determined appropriate.

January 15, 2023- Due date for the report back, required findings and recommendations of the stakeholder group are to be presented to the IFW Committee, including any recommended legislation, if needed. The committee was also given the opportunity to report out a bill relating to boater safety and education to the 131st Legislature in 2023.

2024 - Boater Education Requirements

This law has a delayed implementation date of January 1, 2024.

PUBLIC LAW 2022 CHAPTER 656 - An Act To Improve Boating Safety on Maine Waters

(Effective: August 8, 2022)

- It defines a boater safety and education course as an online or in-person course that:
 - Provides basic information for recreational boaters about how to identify and reduce primary boating risk factors and mitigate the dangers of recreational boating; and
 - Meets a national association of boating law administrators (NASBLA) standard and is approved by the commissioner.
- It defines a boater safety and education course certificate as a certificate or evidence of completion of a boater safety and education course approved by the commissioner.
- 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 on inland waters of the State a motorboat propelled by machinery capable of producing more than 10 horsepower.
- 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 on inland waters of the State a motorboat capable of producing more than 25 horsepower. The 2 exceptions to this requirement are if a person:
 - Possesses a valid Maine guide license and has met the requirements for carrying passengers for hire under section 13063; or
 - Possesses a valid maritime license of any type that the commissioner determines meets the boater safety education.
- 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 on inland waters of the State.

STAKEHOLDER PROPOSALS

1. **Statutory proposal to define recreational boating** by using similar language as found within the Code of Federal Regulations, purpose is to exclude commercial boating from the educational requirements;
2. **Statutory proposal to add language “for recreational purposes”** each time the law states, “operate a motorboat” so it is clear that the boater education requirement is only when the boat is being used recreationally (this applies in both inland and tidal waters);
3. **Statutory proposal to exempt customers testing a boat with a dealer;**
4. **Statutory proposal requiring boaters on territorial waters** to have a boater safety course;
5. **Statutory proposal to modify the description of the type of maritime license that can be exempt** from the boater education course requirement to provide clearer language consistent with US Coast Guard language;
6. **Statutory proposal to allow boat rental agents to offer a temporary boating safety course** that would allow the renter to more quickly gain the boating safety information needed to operate the rental boat for up to 14 days from the date the course was complete or for the duration of the rental agreement;
7. **Statutory proposal that would allow IFW to offer an equivalency exam;**
8. **Statutory proposal to exempt transient boaters/foreign vessels who are not citizens of the U.S., and who come into Maine inland waters via boat, to be exempt for up to 60 days;** and
9. **Keep the born-after-date the same.** Alternate options were discussed but the majority of the group supported keeping it the same.

STAKEHOLDER POINTS OF DISCUSSION

1. Define Recreational Boating. The group discussed defining commercial boating and/or recreational boating. The decision was made to propose defining recreational boating and use similar language as found within the Code of Federal Regulations. They felt it would automatically exempt boaters who were fishing commercially which is what DMR had asked for. There was discussion about whether there was a need to draft statutory language to exempt licensed youth camp counselors. Spencer Ordway had concerns that defining recreational vs. commercial by using the terminology “to make a profit” could cause some confusion for non-profit businesses such as Boy Scouts, YMCA Camps etc. so that language was not used. Spencer Ordway did support defining recreational so that most youth camps wouldn’t be required to meet the NASBLA course requirements as they operate at a commercial level. That said, he will be working with DHHS to update their rules to reflect any new statutory changes related to the mandatory boater education. In the end the group agreed on mirroring Code of Federal Regulations by proposing the following Title 12 statutory definition of recreational boating:

24-A Recreational Boating. *Recreational Boating” means any motorboat being manufactured or operated primarily for pleasure, or leased, rented, or chartered to another for the latter's pleasure. It does not include a motorboat engaged in the carriage of passengers-for-hire as defined within [§13001](#).*
Subsection 17.

2. Adding “for recreational purposes” in statute anytime it says, “operate a motorboat”. It was proposed and agreed upon by the group that the language “for recreational purposes” should be written in statute every time it states, “operate a motorboat” so it is clear that whether you are on inland or tidal waters the boater education requirement is only when the boat is being used recreationally.

3. Boater education course exemption for customers trying a boat with a boat

dealer. The group asked that a statutory proposal be included in the report back, allowing anyone who wants to try a boat to possibly purchase from a dealer, be exempt from the course requirement. See the proposed language below:

12 MRSA §13068-A 17. Operating motorboat without boater safety and education course certificate. *The following provisions apply to operating a motorboat.*

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

(3) Is test driving a motorboat as part of a possible purchase of the boat when the motorboat is registered in accordance with §13059 with a watercraft dealer certificate and is under the direct supervision of a person who has completed a boater safety and education course;

4. Including boaters on territorial waters to have a boater safety course.

Department of Marine Resources supported requiring the NASBLA approved course on territorial waters if the boat was being operated for recreational purposes.

Proposed language:

12 MRSA §13068-A, sub-§17

17. Operating motorboat without boater safety and education course certificate. *The following provisions apply to operating a motorboat.*

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

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

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

5. Modifying the description of the type of maritime license that can be exempt

from the boater education course requirement. The group had discussions about the appropriate title for the maritime license that is exempt and wanted clearer language. Based on Coast Guard language, the group agreed to propose the following language, *“a person who possesses a valid or expired U.S. Merchant Marine Document issued by the United States Coast Guard for Operator Uninspected Passenger Vessel, Master or Mate”*. This would replace the current language, *“a person who possesses a valid maritime license of any type that the commissioner determines, pursuant to section 13052, subsection 2, meets the boater safety education purposes of this subsection”*.

6. The group agreed to propose to allow boat rental agents to be able to offer a temporary boating safety course that would allow the renter to operate the boat for up to 14 days from the date the course was complete or for the duration of the rental agreement.

The following language was proposed: *“Possesses a rental or lease agreement which lists the person as an authorized operator of the motorboat and the operator has completed a temporary boating safety course provided by the rental agent who has a certificate of number as described within §13064. The temporary boating safety course allows the renter to operate the boat for up to 14 days from the date of course completion or for the duration of the rental agreement.”*

7. Non-statutory proposal for IFW to offer an equivalency exam. The group recommended that IFW offer an equivalency exam so that if someone would prefer to test out of the full boater education course they can choose to do so. Persons who choose not to take the full course may prepare in various ways including studying the boater education student manual, they may have previous experience on the water, they may utilize the IFW website online materials or may have taken a boating course that isn't NASBLA approved. This provides an option to become certified without taking a full NASBLA course. The group requests that the equivalency exam be in place and functioning when this law goes into effect and with no age restrictions assuming the Legislature supports this proposal.

- Points for the IFW Committee to consider:
 - A few states including N.H. as well as Canada have this option and it seems to be well received;
 - An equivalency exam could be an option for any age;
 - The group initially felt that boaters under the age of 25 should be required to take the in-person or full online course however, after further discussion the group supported allowing this option for any age. Allowing the equivalency exam for any age will help address concerns from the youth camp industry. While creating a definition of recreational boating effectively eliminates youth camp counselors from the boater education course (their work would be considered commercial), it provides another option to new camp counselors who arrive from out of state or often from other countries, who are normally under the age of 25 and who may need the boating related education. The initial counselor training is very time consuming so an equivalency exam would be helpful.
 - The exam could be administered to walk-ins at boat shows, sportsman shows, fairs/events, at various locations throughout the state, and offered a few times a month by IFW volunteer instructors or employees; and
 - The test IFW administers at in-person classes comes from a NASBLA database of 10,000 test questions and meets a percentage of each of the 10 chapter's topics for the course.

8. Boater education course exemption for transient boaters/foreign vessels who

come into Maine waters. The group discussed transient boaters/foreign vessels who come into Maine waters by sea, being exempt completely or being exempt for up to 60 days. After great debate and validating that Canada's boaters are required to take a course that is NASBLA approved, the group decided to propose that someone "*who is not a citizen of the United States, arriving by sea and is temporarily using Maine's territorial waters as defined within §6001 for 60 days or less*" could operate without proof of a NASBLA approved course. The group decided against proposing any exemption for inland waters for nonresident boaters who arrive by land. The Canadian Pleasure Craft Certification that is required in Canada is NASBLA certified/recognized. See section 4.1 for confirmation of this at the link below:

<https://tc.canada.ca/en/corporate-services/consultations/public-consultation-modernizing-pleasure-craft-operator-competency-program/fee-proposal-pleasure-craft-operator-competency-program>

There was a recommendation to use language that would require a person to comply with their own state's requirements. Lt. Luce explained that there is a large disparity in what other states require and it would be difficult for wardens in the field to ascertain if this requirement was equivalent to Maine's NASBLA approved course. The majority of the group did not support having added exemptions for non-resident boaters and felt that by maintaining the low born after date, this would mean a low impact to nonresident boaters because most would be over the age of 25 and many would have completed a NASBLA approved course in their home state.

9. Possible change to the born-after-date. The group discussed their differences of opinion on keeping the current born after date vs. increasing the age required to take the course which would encompass more of the boaters who statistically cause accidents.

VOTE: 5 out of 9 voted to keep the born after date the same, 4 out of the 9 voted to either require all ages take the course or take it up to a certain age (ex: up to 55 y/o)

Susan Gallo offered that only 20% of the persons who are typically involved in the accidents have taken a boater safety course. She also stated that she wanted to be clear that IFW and NASBLA don't support the born after date but prefer to capture an older segment of the population. She wanted to see the born after date include anyone under the age of 55.

Stacey Keefer representing (MMTA) supported the original version of Rep. Faye's proposal in 2021 that did include a born after date.

Steve Barr said that males ages 36-55 are the most dangerous demographic on the water so based on statistics he would like to see everyone have to take the course.

Lt. Jason Luce did not support the current born after date and felt the age requirement should be increased.

Rep. Allison Hepler voted to keep the born after date as is.

Spencer Ordway felt everyone should be included and the organization he represents would support including boaters up to age 55.

Vic McCallum voted to keep the current born after date because he had concerns about backlash from boaters and losing the law all together.

Jay Allen voted to keep the current born after date.

Colin MacDonald DMR (stepping in for Steve Ingram) thought the born after date should remain unchanged.

10. Defining in statute horsepower vs. electric motors.

The group agreed that it would be helpful for boaters and law enforcement to know the equivalency of an electric motor compared to motors run by horsepower. A member of the group reached out to manufacturers for more information but there was no response. The group discussed a possible formula be put in statute but in the end, it seemed that the manufacturers and NASBLA probably needed to offer some language that could be used universally rather than individual states attempting to create their own statute on this topic.

11. Proposal for IFW to include website link related to environmental issues.

Vic McCallum recommended a link with additional information on environmental issues be posted on the IFW website. This link could be incorporated into the online course material with a strong recommendation for students to review the information in preparation for the final exam which would incorporate some questions related to environmental concerns. On a related note, the law directing the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species to reduce the threat of further infestations was amended in 2022. The Task Force is recommending that state agencies have consistent messaging related to the Clean, Drain Dry Program so our agency is already working on increasing awareness of environmental issues concerning lakes, boating and how to reduce negative impact.

12. License or registration suspensions for egregious boating violations.

The group began a discussion about requiring the court to provide an updated list (monthly) to warden service, of persons who have been convicted of egregious boating violations and prior to reinstatement of the licenses or registrations would have to take the course and pay a large fine. They wanted a mandatory suspension of all licenses and permits with these types of violations as well. Title 12 was reviewed closely and because many of the most severe boating violations carry non-mandatory or mandatory suspensions already, the group was satisfied with what was already in statute. Christl Theriault and Rep. Fay suggested that attempting to address this issue may kill the bill altogether and would be an onerous administrative task.

13. How to offer the course in a manner that is most accessible and as user friendly as possible.

The group discussed possible promotions to take the course such as: insurance incentives or discounts at boating stores. It was mentioned that a certain percentage of Maine people don't have access to the internet and the literacy rate is also a challenge. It was also discussed that there may be language barriers with taking an online course for customers who want to rent a boat. NASBLA will have a Spanish version of the boating safety course available soon. It may be good for IFW to offer the Spanish version.

14. Comparisons to other states boating age requirements and exemptions for the boater education course.

Stacey Keefer provided information on born after dates. She also provided age requirements and exemptions for boater education from Oregon, Washington and Rhode Island on their state's age requirements and boater education course exemptions for the group to discuss. The group looked closely at New Hampshire's test out option and their temporary certificate for boat rentals. More specific information is provided on page 12.

15. Discussion about increasing Maine specific content within the boating safety courses offered.

There was a lot of discussion about having more Maine specific content emphasized within the course and on the test. IFW's NASBLA representatives communicate with the course vendors and ask that the vendor include test questions related to invasive species, alcohol use, headway speed, unsafe speed, PFD wear and age requirements.

16. Sportsmen's Alliance of Maine brought a proposal forward on December 19, 2022, after all stakeholder meetings had occurred seeking to exempt nonresidents for a 5-day period if they were participating in bass tournaments. This was not discussed by the group, so this is not put forth as a suggestion by the group, only from S.A.M.

"There are numerous fishing tournaments, primarily bass tournaments, throughout Maine that attract participants from out of state. While most neighboring states have mandatory boating safety education, Massachusetts at the present time, limits their education requirements to youngsters between 12 and 17. We (SAM) believe that people from out of state participating in authorized fishing tournaments are responsible boaters and should receive an accommodation such as a 5-day exemption for the purpose of planning, scouting and participating in the tournaments."

APPENDIX

Appendix A: Boater Education Requirements in Other States:

www.nasbla.org/nasblamain/nasbla-resources/statelawdashboard

- Only 8 states require boater education for all operators regardless of age (CA and NJ did phase theirs in overtime based on age groups, but now they include all ages);
- 24 states (including Maine) have a born after requirement that grandfathers certain adult operators;
- 11 states have boater education that applies only to youth operators and no adult operators;
- 2 states require a valid vehicle driver's license in order to operate motorboats; and
- 5 states have zero education requirements for either youth or adult operators.

From Washington State: www.parks.wa.gov/442/Mandatory-Boater-Education

- You are **required** by law to carry a Boater Education Card if you fit the following criteria:
 - You operate a vessel with a 15-horsepower (or greater) motor.
 - You were born *after* Jan. 1, 1955.
 - You are 12 years of age or older.
- You are **exempt** if you fit the following criteria:
 - You were born *before* Jan. 1, 1955.
 - You are an operator of a commercial fishing boat and able to show a valid commercial license.
 - You are able to show a valid U.S. Coast Guard Marine Operator License.
 - You are renting a boat, have completed a watercraft safety checklist provided by the vendor and have been issued a temporary card which you must carry with you.
 - You operate a government vessel exempt from state registration.
 - You are practicing or engaging in a permitted racing event, as long as permitting documentation is available upon inspection at the event site.
- You have a **60-day exemption** period if you fit the following criteria:
 - You are visiting from another state or country and boating for less than 60 days. After 60 days you must have a Washington State Boater Education Card.
 - You hold a valid boater education card from another state. You will need to contact us to confirm if it's valid.
 - You have recently purchased your boat and can show the bill of sale with the date of purchase. After 60 days you must have a Washington State Boater Education Card.

From New Hampshire: [NH State Police Boating Education Requirements](#)

- N.H. has a mandatory boating education law. Everyone 16 years of age and older who operates a motorboat over 25 horsepower on N.H. waters must have a boating education certificate. N.H. accepts the following boating education certificates:
 - A boating certificate issued by another State agency and NASBLA approved.
 - A boating certificate issued by the US Power Squadron.
 - A boating certificate issued by the US Coast Guard Auxiliary.
 - An unexpired commercial boating license issued by the US Coast Guard.
 - An unexpired commercial boating license issued by the State of New Hampshire.
- N.H. allows a person to take an exam for a 14-Day Temporary Certificate as a short-term solution for a boating certification that can only be used once.
 - Individuals must be 16 years of age to take the test and must get at least 80% to pass. If the individual fails, he or she will have the option to take another test at another date or elect to pursue one of the other options for certification. Individuals must provide picture identification at the time of the test.
- N.H. has a test out option, you must be a minimum of 15 years of age and upon passing the test you will receive your certificate when you turn 16 yrs. of age. If you are 16 years of age or older and pass the test you will receive your temporary certificate immediately after passing the test.

From Oregon: www.oregon.gov/osmb/boater-info/pages/boater-education-cards.aspx

- There are a few exemptions for the boater education card. Age is not an exemption.
 - Boaters with a current Coast Guard Boat Operator License: Boaters such as guides and barge operators who hold a current Coast Guard Boat Operator License are exempt from the requirement.
 - Commercial Fisherman: Boaters who hold a current commercial fishing license do not have to carry a boater education card when operating recreationally but do need to carry their commercial license or documentation.
 - Non-certified, supervised adults: The law allows a non-certified adult to operate a power boat IF under direct supervision of an adult 16 or older who is carrying a boater education card. If operating a Personal Watercraft, the card holding adult must be 18 or older.
 - Boat Renters: Renters will be exempt but must complete a watercraft rental safety checklist.

From Rhode Island:

- <http://webserver.rilin.state.ri.us/Statutes/TITLE46/46-22/46-22-9.8.HTM>
- www.dem.ri.gov/programs/law/boating-safety-topics.php
- www.dem.ri.gov/programs/law/boating-safety-topics.php#cert
- The following persons shall be exempt from the educational requirements if they can provide proof of exemption:
 - A person who operates a vessel under training, directly supervised by a person on board the vessel who is eighteen (18) years of age or older and meets the requirements of subsection (a);
 - A person who holds a valid commercial vessel operator's license issued by the United States Coast Guard, a state, or a province;
 - Non-residents temporarily using the waters of this state who meet the requirements of their state of legal residence.
 - New residents of this state will be given sixty (60) days to meet the requirements of this chapter.
 - Boat liveries that rent out boats or vessels fitted with propulsion machinery greater than ten (10) horsepower shall require all renters who do not comply with this section to watch a short instructional video approved by the director on boating safety for the type of craft rented and pass a written examination.
 - Any person operating a personal watercraft as defined in § 46-22-2(6) on the waters of this state shall have successfully completed a boating safety education program as approved by the director of the Department of Environmental Management.
 - Any person who violates any provision of this section shall be sanctioned as follows:
 - (1) For a first offense completion of an approved boating safety course;
 - (2) For a second offense a fine not to exceed one hundred dollars (\$100).

Appendix B: Maine Boat Crash Statistics For 2017-2021

Maine fatalities and injuries by year

Maine				
	Fatalities	Injuries	Fatalities per 100k Registered Motorized boats	Fatalities per 100k Registered boats
2021	4	15	Not Avail.	Not Avail.
2020	11	17	10.1	10.1
2019	4	17	3.6	3.6
2018	4	33	3.6	3.6
2017	13	23	11.9	11.8

National incidents, fatalities, and injuries by horsepower and year

	Horsepower Nationally Table 13								
	10 HP or less			11-25 HP			Over 26 hp		
	Vessels involved	Fatalities	Injuries	Vessels involved	Fatalities	Injuries	Vessels involved	Fatalities	Injuries
2021	113	19	52	137	32	46	5490	412	2417
2020	107	35	36	138	32	63	6613	491	2928
2019	109	30	54	127	32	54	5061	371	2285
2018	101	21	48	129	44	48	4594	384	2221
2017	137	30	58	147	29	65	5195	392	2360

National incidents, fatalities, and injuries by age and year

	Age Nationally Table 22								
	Under 12			13-25			Over 25		
	Vessels involved	Fatalities	Injuries	Vessels involved	Fatalities	Injuries	Vessels involved	Fatalities	Injuries
2021	18	1	12	925	85	525	5161	573	2104
2020	29	2	21	1221	97	726	5998	668	2444
2019	19	5	15	799	63	447	4833	545	2097
2018	16	0	14	772	52	479	4806	581	2018
2017	20	2	12	807	94	460	5049	562	2157

Maine fatalities, injuries, and damage to vessel by operator age and year 2017-2021

Deceased

	2017	2018	2019	2020	2021
<35	2	0	1	2	1
35-65	10	2	2	6	1
>65	0	2	2	3	0
Unknown	0	0	0	0	2
Total	12	4	5	11	4

Injured

	2017	2018	2019	2020	2021
<35	9	6	4	4	4
35-65	18	6	9	7	5
>65	6	5	3	1	2
Unknown	0	2	1	3	2
Total	33	19	17	15	13

Damage to Vessel

	2017	2018	2019	2020	2021
<35	15	11	12	14	8
35-65	33	23	22	24	18
>65	7	14	7	9	5
Unknown	12	10	4	8	7
Total	67	58	45	55	38

Appendix C: United States Coast Guard Nationwide Statistics for 2021:

[Accident Statistic \(uscgboating.org\)](https://uscgboating.org)

SUMMARY 2021

- In calendar year 2021, the Coast Guard counted 4,439 accidents that involved 658 deaths, 2,641 injuries and approximately \$67.5 million dollars of damage to property as a result of recreational boating accidents.
- The fatality rate was 5.5 deaths per 100,000 registered recreational vessels. This rate represents a 15.4% decrease from the 2020 fatality rate of 6.5 deaths per 100,000 registered recreational vessels.
- Compared to 2020, the number of accidents decreased 15.7%, the number of deaths decreased 14.2%, and the number of injuries decreased 17.2%.
- Where cause of death was known, 81% of fatal boating accident victims drowned. Of those drowning victims with reported life jacket usage, 83% were not wearing a life jacket.
- Where length was known, 3 of every 4 boaters who drowned were using vessels less than 21 feet in length.
- Alcohol use is the leading known contributing factor in fatal boating accidents; where the primary cause was known, it was listed as the leading factor in 16% of deaths.
- Where instruction was known, 75% of deaths occurred on boats where the operator did not receive boating safety instruction. Only 16% percent of deaths occurred on vessels where the operator had received a nationally approved boating safety education certificate.
- There were 188 accidents in which at least one person was struck by a propeller. Collectively, these accidents resulted in 24 deaths and 191 injuries.
- Operator inattention, operator inexperience, improper lookout, machinery failure, and excessive speed ranked as the top five primary contributing factors in accidents.
- Where data was known, the most common vessel types involved in reported accidents were open motorboats (47%), personal watercraft (19%), and cabin motorboats (13%).
- Where data was known, the vessel types with the highest percentage of deaths were open motorboats (44%), kayaks (15%), and pontoons (10%).
- The 11,957,886 recreational vessels registered by the states in 2021 represent a 1.01% increase from last year when 11,838,188 recreational vessels were registered.

Appendix D: History of Boater Education in Maine

Since 1987, The Department through its recreational safety programs has offered in person boating safety and education courses taught by certified volunteer instructors. Interest and participation in these courses have been relatively low over the years and it has only been required for those 16 and 17 years of age to operate a personal watercraft (PWC). This has never been a requirement for boater education to operate a motorboat in Maine.

Requiring boater education to operate a motorboat has been discussed in Maine for more than 20 years. It was a recommendation in the [Final Report of the Great Ponds Task Force in 1999](#) and was not enacted into law for a multitude of reasons, with cost of course, method of delivery and need for increased staffing within the Department, leading to the decision not to enact.

Many of the problems on our inland waters that were discussed during deliberations of the Great Ponds Task Force (1992-1999) are still present today (i.e., noise, impact to wildlife and illegal operation). The Department and others who have an interest in the use of our waters in Maine feel the lack of understanding of Maine law regarding responsible and safe boating is part of the problem. Many of the complaints and concerns we receive at the Department are focused on horsepower of motorboats on small lakes and ponds and operating at inappropriate speeds on some of our larger waters. Both situations can be addressed with knowledge and enforcement of current boating laws such as headway speed within the water safety zone and imprudent speed or operating to endanger.

We communicate frequently with our registered boaters and people who fish regarding Maine boating laws, but we feel the messages are not reaching the broader audience. Requiring motorboat operators to focus on the safe and responsible boating in Maine by taking an online or in person course seems to be a necessary next step as many communities that surround our inland waters are not interested in hiring additional law enforcement to address problems; Maine Game Wardens are a limited resource to address problems at the state-wide level.

Our recreational safety programs have evolved over the past 20 years since the Great Ponds Task Force and the 118th Legislature deliberated over problems on Maine's inland waters. We now offer the majority of our safety programs through an online format which is more readily available to the public and administratively more cost efficient. We currently offer four approved online courses linked from our website for interested boaters as well as courses offered for in person instruction from volunteers and Department staff. We have a lot of opportunity to enhance all offerings to make sure they focus appropriately on invasive plants and fish, wildlife protection, and other environmental concerns. The technology for virtual courses using Maine specific examples is now available to us and we will continue to progress in this area.

Appendix E: Boater Education in the U.S.

Previous studies by the National Association of State Boating Law Administrators (NASBLA) show that states with mandatory or enhanced education programs have lower rates of boating fatalities. States lacking any boater education course requirements have the highest fatality rates.

Boater education today has expanded well beyond just the safe operation of a boat. NASBLA education standards also includes trip planning and preparation, equipment requirements, emergency response, environmental concerns, and many other important boating related topics.

Currently, forty-five states in the U.S. have some form of mandatory boater education. In Maine, boater education is only required for persons over 16 and less than 18 to operate a personal watercraft (jet-ski). The following link provides a national perspective on mandatory boater education: [Mandatory Boater Education in U.S.](#) Most of Maine's summer visitors who operate watercraft have already taken a boater safety course, likely because it is required by our neighboring jurisdictions (NH, VT, NY, and CT). Additionally, most states accept a boater education certificate from another state if the course was NASBLA certified. A similar concept applies to hunters across the U.S., who can buy licenses in other states if they have taken a safety course endorsed by the International Hunter Education Association.

Appendix F: Current Maine law UNTIL January 1, 2024

(Related to age of operation and course requirements)

Operation of Motorboats more than 10 horsepower (HP): A person under 12 years of age may not operate a motorboat with more than 10 HP unless under the immediate supervision of a person in the motorboat who is at least 16 years of age.

Operation of Personal Watercraft (PWC):

- No one under the age of 16 may operate a PWC.
- Persons 16 and 17 years of age may operate a PWC only if they:
 - Have successfully completed an approved safety education course and carry on-board, proof of age and course completion or
 - Are accompanied on-board by a person 18 years of age or older.

Appendix G: Maine boating law BEGINNING in 2024

(Related to age of operation and course requirements)

PUBLIC LAW 2022 CHAPTER 656

An Act To Improve Boating Safety on Maine Waters
(Effective: August 8, 2022)

- It defines a boater safety and education course as an online or in-person course that:
 - Provides basic information for recreational boaters about how to identify and reduce primary boating risk factors and mitigate the dangers of recreational boating; and
 - Meets a national association of boating law administrators standard and is approved by the commissioner.
- It defines a boater safety and education course certificate as a certificate or evidence of completion of a boater safety and education course approved by the commissioner.
- 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 on inland waters of the State a motorboat propelled by machinery capable of producing more than 10 horsepower.
- 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 on inland waters of the State a motorboat capable of producing more than 25 horsepower. The 2 exceptions to this requirement are if a person:
 - Possesses a valid Maine guide license and has met the requirements for carrying passengers for hire under section 13063; or
 - Possesses a valid maritime license of any type that the commissioner determines meets the boater safety education.
- 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 (PWC) on inland waters of the State.
- It requires the Commissioner of IFW 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 IFW matters has authority to report out a bill relating to boater safety and education to the 131st Legislature in 2023.

Appendix H: Current MDIFW Approved Boating Education Courses Offered

These online courses are currently approved by NASBLA and are recognized in the state of Maine.

America's Boating Education Course This course can be completed in any one of three ways: on the Internet, by studying an 80-page course manual or with a CD. Student will receive a complete package which includes the course manual, the boating course CD, and a PIN number giving access to the Internet course. This course requires successfully completing the final exam online. **The course costs \$34.95 to receive a certificate.**

BoatUS Foundation Online Course This is a free course that can be completed online by participating in six lessons and successfully completing the final exam. **This course is not approved/available in any of the other 5 New England States. This course is free to gain certification and the provider asks for a \$10 donation.**

Boat-Ed This online course costs **\$34.95 to receive a certificate. This is the course provided by Kalkomey Enterprises.**

BoatTests101 \$24.99. Online Course **This course is not approved/available in any of the other 5 New England States.**

Appendix I: Final Recommendations of the Great Pond Task Force 1999:

http://lldc.mainelegislature.org/Open/Rpts/kf5570_z99m26_1997.pdf

Appendix J: National Association of State Boater Law Administrators Information:

<https://idash.nasbla.net/idashboards/viewer/?guestuser=guest&dashID=233&c=0&NRD=True>

Appendix K: PDF on Quick Phase in Approach

(Less effective in increasing safe boating)

<https://idash.nasbla.net/idashboards/viewer/?guestuser=guest&dashID=139&c=0>



Quick Phase-In
Education Report(1)[1]

Appendix L: 2021 Boating Accident Data Report:

uscgboating.org/statistics/accident_statistics.php

**Appendix M: Table Showing
Rented Watercraft Related
Accidents Nationally
Recreational Boating Statistics
2021
Accident Causes and Conditions**

Table 14 • RENTAL STATUS OF VESSELS INVOLVED IN ACCIDENTS												
	Vessels				Deaths				Injuries			
	# of Vessels	Rented	Not Rented	Unknown if rented	# of Deaths	Rented	Not rented	Unknown if rented	# of Injuries	Rented	Not rented	Unknown if rented
All Vessels	6104	816	4292	996	658	93	434	131	2641	388	1916	337
Airboat	38	0	35	3	0	0	0	0	38	0	32	6
Auxiliary sailboat	276	5	222	49	12	0	11	1	38	1	24	13
Cabin motorboat	761	9	665	87	35	0	32	3	182	5	160	17
Canoe	62	11	34	17	46	6	25	15	20	5	10	5
Houseboat	85	14	29	42	4	3	1	0	8	5	1	2
Inflatable	20	4	11	5	7	1	4	2	12	4	6	2
Kayak	176	16	121	39	96	10	62	24	60	5	43	12
Open motorboat	2806	160	2207	439	287	17	212	58	1378	51	1153	174
Personal watercraft	1148	425	582	141	55	19	30	6	670	242	361	67
Pontoon	528	159	289	80	64	32	25	7	181	65	92	24
Rowboat	29	3	22	4	23	2	18	3	11	2	9	0
Sailboat (only)	46	5	34	7	4	0	3	1	16	1	13	2
Sailboat (unknown)	1	0	0	1	0	0	0	0	0	0	0	0
Standup paddleboard	25	5	15	5	18	3	10	5	5	2	3	0
Other	26	0	14	12	2	0	1	1	3	0	1	2
Unknown	77	0	12	65	5	0	0	5	19	0	8	11

Appendix N: Table Showing Age Relationship to Accidents Nationally:

Operator/Passenger Information

Table 22 • OPERATOR INFORMATION 2021				
		Vessels Involved	Deaths	Injuries
		6104	658	2641
Age of Operator	12 years and under	18	1	12
	13 to 18 years	328	20	183
	19 to 25 years	597	65	342
	26 to 35 years	777	92	447
	36 to 55 years	1786	190	944
	Over 55 years	1416	236	590
	Unknown	343	48	85
	No operator	839	6	38
Operator's Experience	No Experience	66	8	35
	Under 10 hours	674	87	337
	10 to 100 hours	1079	107	563
	101 to 500 hours	1679	108	878
	Over 500 Hours	572	55	256
	Unknown	1195	287	534
	No Operator	839	6	38
Number of Persons on Board	None	595	0	3
	One	1852	252	566
	Two	1603	186	790
	Three	583	72	346
	Four	431	46	251
	Five	262	32	193
	Six	202	12	163
	Seven	126	21	118
	Eight	89	6	54
	Nine	45	4	31
	Ten	35	1	21
	More than 10	83	20	64
	Unknown	198	6	41
Education of Operator	American Red Cross	3	0	3
	Informal	254	18	120
	Internet Course	87	10	49
	State Course	970	44	525
	US Power Squadrons	33	2	9
	USCG Auxiliary	115	5	55
	Other	131	1	45
	No Education	2088	242	1097
	Unknown	1584	330	700
	No Operator	839	6	38

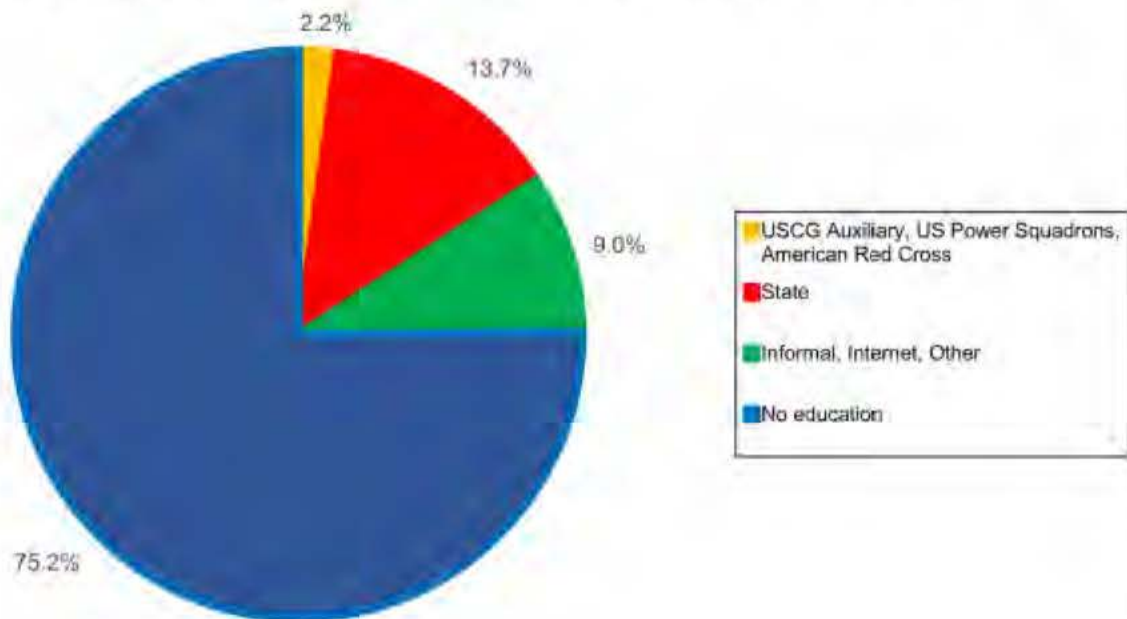
Appendix O: Table Showing # of Deaths by Type of Operator Boating Instruction 2021 Nationally

Boating Safety Instruction

This table and accompanying figure focus on boating safety instruction for those operators who had a person die on their vessel. The table and figure both focus on instruction provided by the U.S. Coast Guard Auxiliary, U.S. Power Squadrons, American Red Cross, and state sources. The figure examines only deaths where the operator instruction was known.

Table 23 • NUMBER OF DEATHS BY TYPE OF OPERATOR BOATING INSTRUCTION 2021	
Type of Boating Instruction	Deaths
American Red Cross	0
Informal	18
Internet Course	10
State Course	44
US Power Squadrons	2
USCG Auxiliary	5
Other	1
No Education	242
Total Deaths - Known Operator Instruction	322
Total Deaths - Unknown Operator Instruction	330
Total Deaths - No Operator	6
Total Deaths - Known & Unknown Operator Instruction	658

Figure 7 PERCENT OF DEATHS BY KNOWN OPERATOR INSTRUCTION, 2021



Appendix P: Members of the Stakeholder Group

In addition to the boater education requirements the law instituted, it directed the Department to form a stakeholder group to discuss issues related to boater safety and education on inland waters of the State.

Members of the stakeholder group had to represent the following entities: the marine trades, a sporting association, the Department of Marine Resources, a Legislator, a group dedicated to lake water quality, and any other members determined as suitable by the Commissioner (IFW representatives; a representative of a marina, dealership, and boat rental agency; and Maine summer camp representative. Christl Theriault, Assistant to the Commissioner of IFW, provided administrative services for the group.

Position	Name	Organization	Title
The Marine Trades	Stacey Keefer	Maine Marine Trades Association (MMTA)	Executive Director
Sporting Association	Vic McCallum	Sportsman’s Alliance of Maine	Representative, also a volunteer MDIFW safety instructor
Department of Marine Resources (DMR)	Pilot Steve Ingram	Department of Marine Resources (DMR)	Maine Marine Patrol Pilot/Supervisor
Legislator	Representative Allison Hepler	(Sat on the IFW and DMR Legislative Committees)	Representative
Group dedicated to lake - water quality	Susan Gallo	Maine Lakes	
IFW Representative/Chair of Committee	Lt. Jason Luce	Department of Inland Fisheries and Wildlife	Game Warden Lt., NASBLA Rep
IFW Representative	Steve Barr	Department of Inland Fisheries and Wildlife	Recreational Safety Coordinator/Instructor
A representative of a marina, dealership, and boat rental agency	Jason Allen	Moose Landing Marina	
Maine Summer Camp	Spencer Ordway	Maine Summer Camps	Director/Owner of Winona Camps
IFW Employee	Christl Theriault	Department of Inland Fisheries and Wildlife	Assistant to the Commissioner of MDIFW