

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Relating to Interference with Navigation on Inland Waters

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

Sec. 1. 12 MRSA §1899-D is enacted to read:

§ 1899-D. Violation of rules; offenses

1. Rule violation. A person commits a civil violation for which a fine of not more than \$500 may be adjudged if that person:

A. Violates any rule or any notice posted at a public boat launch facility or otherwise published by the bureau; or

B. Marks waters contrary to the rules established by the director.

2. Criminal offense. A person commits a Class E crime if that person:

A. Moors a watercraft beyond the water safety zone to any buoy, beacon or permanent structure placed by the State or any organization authorized to place markers by permit in waters of this State or in any manner makes fast to any buoy, beacon or permanent structure, except for a dock, wharf or other structure authorized for that purpose;

B. Intentionally destroys, defaces, damages, moves off station or sinks any buoy, beacon or marking device either floating on the waters of the State or permanently fixed to the land or structures adjacent to the water areas of the State that has been placed by the State or any organization authorized to place markers by permit; or

C. Willfully mutilates, defaces or destroys any notice, monument or marker lawfully erected within or adjoining the borders of a public facility.

Sec. 2. 12 MRSA c. 220, sub-c. 10 is enacted to read:

SUBCHAPTER 10

INTERFERENCE WITH NAVIGATION ON INLAND WATERS

§ 1900. Interference with navigation; swim areas

1. Definitions. For the purposes of this subchapter, unless the context indicates otherwise, the following terms have the following meanings.

A. "Organized swim area" means any area on the inland waters enclosed by official swim line-floats and regulatory markers for the purpose of protecting swimmers. An organized swim area may be created only by a governmental entity or commercial campground within the water safety zone.

B. "Water safety zone" means that area of water within 200 feet of the shoreline of the mainland or of an island.

2. Organized swim area; permit. Only a governmental entity or commercial campground may obtain a permit issued by the director to designate an organized swim area.

3. Uniform marking. The director may adopt rules for the uniform marking of organized swim areas.

4. Fee; expiration. Permits issued under subsection 2 expire 5 years after the date of issuance. The director shall establish by rule the fees for the permits, except that an organized swim area owned and operated by the State or a governmental entity may not be charged a fee and its permit does not expire as long as no alterations to the organized swim area are made after the permit is issued.

5. Civil violation. A person commits a civil violation for which a fine of not more than \$500 may be adjudged if that person knowingly places a swim line within or beyond the water safety zone, or places a mooring or swimming and diving float beyond the water safety zone.

6. Rules. The director may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill prohibits the use of swim line-floats or regulatory markers for the purpose of protecting swimmers by a person other than a governmental entity or commercial campground that has obtained an organized swim area permit issued by the director. This bill defines "organized swim area" and "water safety zone." The bill makes violation of any rule or notice posted at a public boat launch facility or otherwise published by the Department of Conservation, Bureau of Parks and Lands and the marking of waters contrary to rules of the Director of the Bureau of Parks and Lands civil violations. This bill makes mooring of a watercraft beyond the water safety zone to a buoy, beacon or permanent structure placed by the State; intentionally destroying, defacing, damaging, moving or sinking a buoy, beacon or marking device floating on the waters of the State or permanently fixed to land or structures adjacent to water; and mutilating or destroying a notice at a public facility Class E crimes.