

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

An Act To Increase Youth Boating Safety

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

Sec. 1. 12 MRSA §13056, sub-§1-C is enacted to read:

1-C. Operating with temporary boating safety certificate. The commissioner may issue a nonrenewable temporary boating safety certificate with the issuance of the identification number and validation stickers under subsection 1-B. The temporary boating safety certificate is valid for 90 days.

Sec. 2. 12 MRSA §13074 is enacted to read:

§ 13074. Boating safety

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Noncommercial motorboat" means a motorboat registered in the State or a federally documented motorboat being operated within the waters of the State when the operator is not engaged in a commercial activity licensed by a municipal or state government or the Federal Government.

2. Requirements. A person born after January 1, 1992 may not operate a noncommercial motorboat on any waters of the State unless the person:

A. Completes and passes a boating safety course approved by a national association of state boating law administrators or any other course with equivalent standards approved by the commissioner;

B. Possesses a valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 Code of Federal Regulations, Part 10 (2007) or a marine certificate issued by the Canadian government;

C. Is operating a noncommercial motorboat under a supervised program or activity, is being trained by a person qualified under paragraph A or B or if under 16 years of age is under the direct supervision of a parent or guardian and the noncommercial motorboat has less than 10 horsepower;

D. Possesses a temporary boating safety certificate issued by the commissioner pursuant to section 13056, subsection 1-C to operate the noncommercial motorboat and the certificate of number for the noncommercial motorboat if the noncommercial motorboat is new or was sold with a transfer of ownership;

E. Is operating a noncommercial motorboat while in possession of a rental or lease agreement from a motorboat rental or leasing business that lists the person as the authorized operator of that motorboat for a period of not more than 60 days;

F. Demonstrates that the person is not a resident and meets any applicable boating safety requirements and provides proof of training from the state of residency or possesses a Canadian pleasure craft operator's card; or

G. Has assumed operation of the noncommercial motorboat due to the illness or physical impairment of the initial operator and is returning the vessel to shore.

3. Proof of compliance. A person born after January 1, 1992 who operates a noncommercial motorboat on any waters of the State must present evidence at the request of a law enforcement officer that the person has complied with this section. A licensed Maine guide may request proof of compliance with this section from that guide's clients or customers.

4. Program implementation; rules. The commissioner and the Commissioner of Marine Resources shall jointly implement a recreational boating safety education program, referred to in this subsection as "the program." The commissioner and the Commissioner of Marine Resources shall:

A. Include in the program the level of recreational boating safety education provided by section 13071-A, subsection 5;

B. Identify recreational boating safety education programs approved by a national association of state boating law administrators and certified for use in the State, including, but not limited to, programs provided by the United States Coast Guard Auxiliary and a national boating safety organization;

C. Issue temporary boating safety certificates to purchasers of new and used motorboats at the time of issuance of identification numbers and validation stickers pursuant to section 13056, subsection 1-C;

D. Issue certificates to noncommercial motorboat operators for compliance with the program when those operators have successfully taken equivalency examinations for boating safety education in lieu of taking boating safety courses; and

E. Jointly develop rules for program implementation and maintenance.

5. Rules. In developing the rules pursuant to subsection 4, the commissioner and the Commissioner of Marine Resources shall consult and coordinate with the boating public and professional organizations for recreational boating safety and the boating business community. The rules may address, but are not limited to, the following:

A. Compliance and enforcement procedures;

B. Making courses available statewide, including through the Internet;

C. Acceptance of certificates, issued by recreational boating safety education courses approved by a national association of state boating law administrators and certified for use in the State, to document successful course completion;

- D. Issuance of duplicate certificates and recordkeeping by approved providers of boating safety education;
- E. Requirements for course providers and instructor certification;
- F. Examination criteria; and
- G. Establishment of fees for issuance of temporary certificates and certificates for successful completion of equivalency examinations, not to exceed the cost of issuing certificates and offering examinations.

The commissioner and the Commissioner of Marine Resources shall establish procedures and create any necessary forms to meet the requirements for motorboat rental and leasing businesses and the issuance of temporary boating safety certificates pursuant to section 13056, subsection 1-C.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6. Violation. A person who violates this section:

- A. Commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged; and
- B. After having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 3. Effective date. This Act takes effect July 1, 2010.

SUMMARY

This bill requires demonstration of successful completion of an approved course in boating safety for all youth noncommercial motorboat users born after January 1, 1992. The bill authorizes the Commissioner of Inland Fisheries and Wildlife to issue temporary boating safety certificates that are valid for 90 days with the issuance of the identification number and validation stickers. The bill requires that a person born after January 1, 1992 must present evidence of completion of a boating safety course if requested by a law enforcement officer. The bill also requires the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to jointly adopt rules to implement the bill and makes violating the boating safety requirements a civil violation. This bill also directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to implement a recreational boating safety education program.