

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 Regulate Swim Areas on Inland Waters**

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

**Sec. 1. 12 MRSA c. 220, sub-c. 10** is enacted to read:

### **SUBCHAPTER 10**

### **REGULATION OF SWIM AREAS ON INLAND WATERS**

#### **§ 1900. Swim areas**

**1. Definitions.** As used in this subchapter, the following terms have the following meanings.

A. "Camping area" means, in addition to the generally accepted interpretations, lakeshore places, picnic and lunch grounds or other premises where tents or recreational vehicles are permitted and licensed under Title 22, section 2495.

B. "Developed swim area" means an area delineated by line buoys in accordance with the aids to navigation system established pursuant to section 1894.

C. "Qualified entity" means a camping area, recreational camp or governmental entity or governmentally sponsored group.

D. "Recreational camp" means day camps, boys and girls camps and family, hunting, fishing and similar camps licensed under Title 22, section 2495.

E. "Swim line" means a line, rope or a series of buoys used to delineate an area of surface water for the purpose of swimming.

F. "Water safety zone" means the area of water within 200 feet of shoreline, whether the shoreline of the mainland or of an island.

**2. Property rights.** Nothing in this subchapter may be construed to affect private property rights or the State's ownership rights over inland waters.

**3. Swim area prohibition.** A person may not establish or maintain a swim line or a developed swim area without a permit issued under subsection 4.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged. Each day a person violates this subsection is a separate violation.

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

**4. Issuance of permit.** The director may issue a permit only to a qualified entity to establish and maintain a developed swim area within the water safety zone designed to provide recreational swimming opportunities for the public.

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

**6. Enforcement.** A municipally appointed inland harbor master, code enforcement officer or law enforcement officer is primarily responsible for the enforcement of this subchapter.

**7. Rules.** The director shall adopt rules to implement and carry out the purposes of this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**CONSERVATION, DEPARTMENT OF**

**Boating Facilities Fund 0226**

Initiative: Provides one-time funding for costs associated with posting public notices and mailing permits.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$3,200	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$3,200</b>	<b>\$0</b>

Effective September 12, 2009