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Legislative Document

No. 1663

H.P. 1234

House of Representatives, May 5, 2021

An Act To Improve Boating Safety on Maine Waters

Received by the Clerk of the House on May 3, 2021. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative FAY of Raymond.
Cosponsored by Representatives: McDONALD of Stonington, RISEMAN of Harrison,
THERIAULT of China, Senator: DIAMOND of Cumberland.

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

2 **Sec. 1. 12 MRSA §13068-A, sub-§3**, as enacted by PL 2003, c. 655, Pt. B, §380
3 and affected by §422, is amended to read:

4 **3. Operating motorboat other than personal watercraft while underage.** A Until
5 January 1, 2023, a person under 12 years of age may not operate a motorboat propelled by
6 machinery of more than 10 horsepower unless under the immediate supervision of a person
7 located in the motorboat who is at least 16 years of age.

8 This subsection does not apply to operating a personal watercraft.

9 A. A person who violates this subsection commits a civil violation for which a fine of
10 not less than \$100 nor more than \$500 may be adjudged.

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

14 **Sec. 2. 12 MRSA §13068-A, sub-§3-A** is enacted to read:

15 **3-A. Operating motorboat other than personal watercraft; boating safety**
16 **education.** Beginning January 1, 2023, a person born after January 1, 2002 may not
17 operate a motorboat propelled by machinery of more than 10 horsepower unless that person
18 has met the requirements under this subsection.

19 A. A person under 16 years of age may not operate a motorboat propelled by
20 machinery of more than 10 horsepower unless the person is under the supervision of a
21 person located in the motorboat who is at least 18 years of age and who has in the
22 person's possession:

23 (1) A certificate of boating safety education issued to that person in accordance
24 with rules adopted by the department; or

25 (2) A valid Maine guide license or an unexpired license to operate a commercial
26 vessel issued to that person by this State or the United States Coast Guard.

27 B. A person 16 years of age or older may not operate a motorboat propelled by
28 machinery of more than 10 horsepower unless the person has in the person's
29 possession:

30 (1) A certificate of boating safety education issued to that person in accordance
31 with rules adopted by the department; or

32 (2) A valid Maine guide license or an unexpired license to operate a commercial
33 vessel issued to that person by this State or the United States Coast Guard.

34 C. The following penalties apply to violations of this subsection and rules adopted
35 under this subsection.

36 (1) A person who violates this subsection or rules adopted pursuant to this
37 subsection commits a civil violation for which a fine of not less than \$100 and not
38 more than \$500 may be adjudged.

39 (2) A person who violates this subsection or rules adopted pursuant to this
40 subsection after having been adjudicated as having committed 3 or more civil

1 violations under this Part within the previous 5-year period commits a Class E
2 crime.

3 The department shall adopt rules necessary to implement this subsection. Rules adopted
4 under this subsection must include options for meeting the boating safety education
5 requirements of this subsection, including a list of approved boating safety education
6 courses that issue certifications to persons who complete the course and one or more
7 boating safety courses offered by the department and made available online that meet the
8 guidelines established by a national association of state boating law administrators and
9 include information on laws specific to the State. The rules must provide for the issuance
10 of a certificate, upon payment of a reasonable fee, to a person who completes a boating
11 safety education course offered by the department.

12 Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter
13 375, subchapter 2-A.

14 This subsection does not apply to operating a personal watercraft.

15 **Sec. 3. 12 MRSA §13071-A, sub-§5**, as enacted by PL 2005, c. 536, §1 and
16 affected by §3, is amended to read:

17 **5. Operating personal watercraft while ~~16 years of age or older and under 18~~**
18 **~~years of age; boater boating safety education.~~** The following provisions apply to
19 operating a personal watercraft ~~by a person 16 years of age or older and under 18 years of~~
20 ~~age.~~

21 A. A Until January 1, 2023, a person 16 years of age or older and under 18 years of
22 age may not operate a personal watercraft unless:

23 (1) That person is accompanied by a person 18 years of age or older who physically
24 occupies the personal watercraft; or

25 (2) While operating the personal watercraft, that person possesses on that person
26 identification showing proof of age and proof of successful completion of a ~~boater~~
27 boating safety education course approved by a national association of state boating
28 law administrators, including but not limited to courses offered by the U.S. United
29 States Coast Guard Auxiliary or other organizations approved by the commissioner
30 for providing ~~boater~~ boating safety education courses. The commissioner shall
31 establish a list of approved organizations for providing ~~boater~~ boating safety
32 education courses and make that list readily available to the public.

33 A-1. Beginning January 1, 2023, a person 16 years of age or older, born after January
34 1, 2002, may not operate a personal watercraft unless the person has in the person's
35 possession a certificate of boating safety education issued in accordance with rules
36 adopted by the department.

37 The department shall adopt rules necessary to implement this paragraph. Rules adopted
38 under this paragraph must include options for meeting the boating safety education
39 requirements of this paragraph, including a list of approved boating safety education
40 courses that issue certifications to persons who complete the course and one or more
41 boating safety courses offered by the department and made available online that meet
42 the guidelines established by a national association of state boating law administrators
43 and include information on laws specific to the State. The rules must provide for the

1 issuance of a certificate, upon payment of a reasonable fee, to a person who completes
2 a boating safety education course offered by the department.

3 Rules adopted under this paragraph are routine technical rules pursuant to Title 5,
4 chapter 375, subchapter 2-A.

5 B. The following penalties apply to violations of this subsection.

6 (1) A person who violates this subsection commits a civil violation for which a
7 fine of not less than \$100 and not more than \$500 may be adjudged.

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

11 **SUMMARY**

12 This bill creates a mandatory boating safety course requirement for individuals born
13 after January 1, 2002 for the operation of motorboats propelled by machinery over 10
14 horsepower on Maine waters beginning January 1, 2023. The bill establishes a minimum
15 age of 16 for operation of a motorboat propelled by machinery over 10 horsepower and
16 requires the Department of Inland Fisheries and Wildlife to establish a program for boating
17 safety education certification. This bill also requires a mandatory boating safety course for
18 an individual born after January 1, 2002 who operates a personal watercraft.