

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

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 9 in L.D.)

Amend the bill in section 2 in §13074 by inserting before subsection 1 a new subsection to read:

‘1. Definition; noncommercial motorboat. For purposes of this section, "noncommercial motorboat" means a motorboat registered in the State or a federally documented motorboat operating within state waters when the operator is not engaged in a commercial activity licensed by a municipal or state government or the Federal Government.’

Amend the bill in section 2 in §13074 in subsection 1 in the first paragraph in the last line (page 1, line 19 in L.D.) by striking out the following: "or personal watercraft"

Amend the bill in section 2 in §13074 in subsection 1 by striking out all of paragraph C (page 1, lines 26 and 27 in L.D.) and inserting the following:

‘C. Is operating a 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 while operating a motorboat with less than 10 horsepower;’

Amend the bill in section 2 in §13074 in subsection 1 in paragraph E in the first line (page 1, line 33 in L.D.) by striking out the following: "or personal watercraft" and in the 3rd line (page 1, line 35 in L.D.) by striking out the following: "or personal watercraft"

Amend the bill in section 2 in §13074 in subsection 1 in paragraph G in the first line (page 2, line 4 in L.D.) by striking out the following: "or personal watercraft"

Amend the bill in section 2 in §13074 in subsection 2 in the first paragraph in the first and 2nd lines (page 2, lines 6 and 7 in L.D.) by striking out the following: "and personal watercraft"

Amend the bill in section 2 in §13074 in subsection 3 in the first line (page 2, line 19 in L.D.) by striking out the following: "or personal watercraft"

Amend the bill in section 2 in §13074 by striking out all of subsection 4 and inserting the following:

‘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."

A. The role of the commissioner and the Commissioner of Marine Resources in implementing the program is limited to:

(1) Maintaining current levels of recreational boating safety education provided by the commissioners;

(2) Identifying recreational boating safety education programs approved by the National Association of State Boating Law Administrators or a successor organization and certified for use in the State, including, but not limited to, programs provided by the United States Coast Guard Auxiliary and the United States Power Squadrons or a successor organization;

(3) Issuing 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;

(4) Issuing 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 a boating safety course; and

(5) Jointly developing rules for program implementation and maintenance.

B. In developing the rules pursuant to paragraph A, 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. Rules may address but are not limited to addressing:

(1) Compliance and enforcement procedures;

(2) Making courses available statewide including through the Internet;

(3) The acceptance of certificates, issued by recreational boating safety education courses approved by the National Association of State Boating Law Administrators or a successor organization and certified for use in the State, to document successful course completion;

(4) The issuance of duplicate certificates and record keeping by approved providers of boating safety education;

(5) Requirements for course providers and instructor certification;

(6) Equivalency examination criteria;

(7) The establishment of standardized fees for proctored examinations; and

(8) The 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 equivalency examinations.

The commissioners shall adopt 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 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Violation. The following penalties apply to violations of this section.

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

B. A person who violates this section 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.'

Amend the bill in section 2 in §13074 by renumbering the subsections to read consecutively.

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. Recreational boating safety education program. The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources shall implement the recreational boating safety education program pursuant to the Maine Revised Statutes, Title 12, section 13074 using existing personnel and resources.

Sec. 4. Effective date. This Act takes effect July 1, 2010.'

Amend the bill by striking out all of the emergency clause (page 3, lines 10 and 11 in L.D.)

SUMMARY

This amendment is the minority report.

It removes the emergency preamble and emergency clause.

It removes the references to personal watercraft, which is already included within the definition of "motorboat."

It adds an exception for children under 16 years of age for the operation of a motorboat under 10 horsepower when under direct supervision of a parent or guardian.

It changes a violation of the proposed law from a Class E crime to a civil violation.

It directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to implement a program for recreational boating safety education using existing resources.

It provides that the role of the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources is one of general oversight of recreational boating safety education.

It directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources, within existing resources, to maintain current levels of boating safety education programs already provided by the commissioners and to supplement those programs by identifying other suitable boating safety education courses provided by other entities and certifying those courses for use in the State.

It provides an effective date of July 1, 2010.

FISCAL NOTE REQUIRED
(See attached)