An Act To Improve Boating Safety on Maine Waters

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Presented by Representative FAY of Raymond.
Cosponsored by Representatives: McDONALD of Stonington, RISEMAN of Harrison, THERIAULT of China, Senator: DIAMOND of Cumberland.
Be it enacted by the People of the State of Maine as follows:

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

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

This subsection does not apply to operating a personal watercraft.

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

B. A person who violates this subsection 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. 2. 12 MRSA §13068-A, sub-§3-A is enacted to read:

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

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

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

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

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

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

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

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

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

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

**crime.**

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

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

This subsection does not apply to operating a personal watercraft.

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

5.  **Operating personal watercraft while 16 years of age or older and under 18**

year of age; **boater boating safety education.** The following provisions apply to

operating a personal watercraft by a person 16 years of age or older and under 18 years of

age.

A.  **A Until January 1, 2023,** a person 16 years of age or older and under 18 years of

age may not operate a personal watercraft unless:

(1) That person is accompanied by a person 18 years of age or older who physically

occupies the personal watercraft; or

(2) While operating the personal watercraft, that person possesses on that person

identification showing proof of age and proof of successful completion of a **boater**

boating safety education course approved by a national association of state boating

law administrators, including but not limited to courses offered by the U.S. United

States Coast Guard Auxiliary or other organizations approved by the commissioner

for providing **boater boating safety** education courses. The commissioner shall

establish a list of approved organizations for providing **boater boating safety**

education courses and make that list readily available to the public.

A-1. Beginning January 1, 2023, a person 16 years of age or older, born after January

1, 2002, may not operate a personal watercraft unless the person has in the person’s

possession a certificate of boating safety education issued in accordance with rules

adopted by the department.

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

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

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

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

(2) A person who violates this subsection 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.

SUMMARY

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