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INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 80, L.D. 114, “An Act To Address Airboat Operation in the State”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 12 MRSA §13068-A, sub-§10, as amended by PL 2019, c. 662, §§1 and 2, is further amended to read:

10. Operating motorboat that exceeds noise limits. The following provisions govern noise limits.

A. A person may not operate a motorboat in such a manner as to exceed:

- (1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or
- (2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner.

As used in this paragraph, "motorboat" does not include an "airboat," which has the same meaning as in paragraph ~~A-1~~ A-2.

~~A-1. A person may not operate an airboat in such a manner as to exceed noise level limits established by the commissioner by rule. Rules adopted under this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine.~~

A-2. A person may not operate an airboat:

- (1) If the noise level of the airboat exceeds 90 decibels as measured in a stationary sound level test as prescribed by SAE standards J-2005;
- (2) Between the hours of 7 p.m. and 7 a.m. in such a manner as to exceed a noise level of 75 decibels on the "A" scale as measured by the SAE standards J-1970,

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1 referred to in this paragraph as "the shoreline test," except to the extent necessary
2 to achieve headway speed when leaving a boat launch or to move the airboat from
3 a stationary position on a tidal flat; or

4 (3) After 7 a.m. and before 7 p.m. in such a manner as to exceed a noise level of
5 90 decibels as measured by the shoreline test, except to the extent necessary to
6 achieve headway speed when leaving a boat launch or to move the airboat from a
7 stationary position on a tidal flat.

8 For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled
9 by an aircraft-type propeller and powered by either an aircraft engine or an automotive
10 engine and "SAE standards" means technical standards adopted by the Society of
11 Automotive Engineers.

12 This paragraph does not apply to the operation of an airboat by a marine patrol officer
13 appointed under section 6025, subsection 1, a game warden or a municipal law
14 enforcement officer.

15 This paragraph is repealed on September 30, 2022.

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

17 (1) A person who violates this subsection commits a civil violation for which a
18 fine of not less than \$300 nor more than \$500 may be adjudged.

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

22 C. This subsection does not apply to motorboats that are operating in a regatta or race
23 approved by the commissioner under section 13061.

24 **Sec. 2. Stakeholder group on airboat noise issues.** The Commissioner of
25 Marine Resources and the Commissioner of Inland Fisheries and Wildlife, referred to in
26 this section as "the commissioners," shall convene a stakeholder group on issues related to
27 airboat noise, referred to in this section as "the stakeholder group."

28 **1. Formation.** The stakeholder group must include a marine patrol officer and a game
29 warden appointed by the commissioners. The commissioners shall also invite the following
30 to serve as members of the stakeholder group: 3 commercial marine shellfish harvesters
31 who operate airboats; 3 resident coastal property owners; 2 municipal marine shellfish
32 officers; and 2 coastal municipal administrators. The commissioners or the commissioners'
33 designees serve as cochairs of the stakeholder group. The cochairs shall call and convene
34 the first meeting of the stakeholder group no later than 30 days following the effective date
35 of this section.

36 **2. Duties.** The stakeholder group:

37 A. Shall examine and determine airboat mechanical systems and adjustments that
38 result in the lowest practically achievable airboat decibel levels;

39 B. Shall examine and determine available federal or other funding to assist airboat
40 owners in addressing any identified deficiencies in their airboat mechanical systems to
41 achieve the results determined under paragraph A; and

1 C. May examine any related issues that the stakeholder group determines appropriate,
2 including but not limited to establishing and restoring shellfish harvester access to
3 coastal tidal areas, airboat operational techniques to allow for lower decibel levels and
4 appropriate training and equipment for state and municipal law enforcement officers.

5 **3. Staff; information.** The commissioners shall provide necessary staffing services to
6 the stakeholder group. Within existing resources, the commissioners shall arrange for input
7 from experts in airboat noise. The commissioners shall also ensure that local sound data
8 related to airboat use on inland and coastal waters using SAE standards J-1970, SAE
9 standards J-34 and SAE standards J-2005 testing procedures is gathered and provided to
10 the stakeholder group. For the purposes of this subsection, "SAE standards" means
11 technical standards adopted by the Society of Automotive Engineers.

12 **4. Report.** By January 15, 2022, the commissioners shall report to the Joint Standing
13 Committee on Marine Resources and the Joint Standing Committee on Inland Fisheries and
14 Wildlife the findings and recommendations of the stakeholder group, including any
15 recommended legislation. After receiving the report, the Joint Standing Committee on
16 Inland Fisheries and Wildlife may report out a bill relating to airboats to the 130th
17 Legislature.'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
19 number to read consecutively.

20 SUMMARY

21 This amendment replaces the bill, which is a concept draft. This amendment:

22 1. Repeals current law requiring the Department of Inland Fisheries and Wildlife to
23 establish noise level limits for airboats by rule and replaces it with a provision establishing
24 temporary airboat noise limits. It establishes a noise limit of 90 decibels as measured in a
25 stationary sound level test as prescribed by the Society of Automotive Engineers, or SAE,
26 in SAE standards J-2005. Between the hours of 7 p.m. and 7 a.m. the operational noise
27 limit is 75 decibels as measured by the shoreline test, except to the extent necessary to
28 achieve headway speed when leaving a boat launch or to get off a tidal flat. After 7 a.m.
29 and before 7 p.m. the operational noise limit is 90 decibels as measured by the shoreline
30 test, except to the extent necessary to achieve headway speed when leaving a boat launch
31 or to get off a tidal flat. This statutory provision establishing noise limits is repealed
32 September 30, 2022;

33 2. Directs the Commissioner of Marine Resources and the Commissioner of Inland
34 Fisheries and Wildlife to convene and work with a stakeholder group to examine and
35 determine airboat mechanical systems and adjustments that result in the lowest practically
36 achievable airboat decibel levels and to examine and determine available federal or other
37 funding to assist airboat owners in addressing any identified deficiencies in their airboat
38 mechanical systems to achieve those results. The stakeholder group may also examine
39 other issues related to airboats such as establishing and restoring shellfish harvester access
40 to coastal tidal areas, airboat operational techniques to allow for lower decibel levels and
41 appropriate training and equipment for state and municipal law enforcement officers;

42 3. Within existing resources, requires the commissioners to arrange for input from
43 experts in airboat noise and collect local sound data related to airboat use on inland and

1 coastal waters using SAE standards J-1970, SAE standards J-34 and SAE standards J-2005
2 testing procedures; and

3 4. By January 15, 2022, requires the commissioners to report to the Joint Standing
4 Committee on Marine Resources and the Joint Standing Committee on Inland Fisheries and
5 Wildlife the findings and recommendations on airboat noise. After receiving the report,
6 the Joint Standing Committee on Inland Fisheries and Wildlife may report out a bill relating
7 to airboats to the 130th Legislature.

8 **FISCAL NOTE REQUIRED**

9 **(See attached)**