

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 1152 - L.D. 1807

An Act to Implement the Recommendations of the Department of Inland Fisheries and Wildlife's Report on Boater Safety Education

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

Sec. 1. 12 MRSA §13001, sub-§6-B, as enacted by PL 2021, c. 656, §2, is amended to read:

6-B. Boater safety and education course certificate. "Boater safety and education course certificate" means a certificate or other evidence of completion of a boater safety and education course or an equivalency exam specified or approved by the commissioner pursuant to section 13052, subsection 2.

Sec. 2. 12 MRSA §13001, sub-§24-A is enacted to read:

24-A. Recreational boating. "Recreational boating" means operating a motorboat primarily for the operator's pleasure or leasing, renting or chartering a motorboat to another person for the other person's pleasure. "Recreational boating" does not include using a motorboat engaged in the carriage of passengers for hire.

Sec. 3. 12 MRSA §13052, sub-§2, as amended by PL 2021, c. 656, §3, is further amended to read:

2. Promote safety; education courses. The commissioner shall promote safety for persons and property in connection with the use and operation of watercraft. The commissioner, in accordance with section 13051, shall implement the boater safety and education course or equivalency exam requirements of this chapter.

Sec. 4. 12 MRSA §13068-A, sub-§3-A, as enacted by PL 2021, c. 656, §4, is amended by amending the first blocked paragraph to read:

This subsection does not apply to the operation of personal watercraft or motorboats other than for recreational boating purposes.

Sec. 5. 12 MRSA §13068-A, sub-§17, ¶A, as enacted by PL 2021, c. 656, §5, is amended to read:

A. Except as provided in paragraph C, beginning January 1, 2024, a person born on or after January 1, 1999 may not operate on inland waters of this State or territorial waters.

as defined in section 6001, subsection 48-B, a motorboat for recreational boating purposes propelled by machinery capable of producing more than 25 horsepower unless that person is 12 years of age or older and:

- (1) Has completed a boater safety and education course; and
- (2) Possesses and presents for inspection upon request to a law enforcement officer a boater safety and education course certificate.

Sec. 6. 12 MRSA §13068-A, sub-§17, ¶C, as enacted by PL 2021, c. 656, §5, is amended to read:

C. A person is not required to meet the boater safety and education course requirement of this subsection if the person:

- (1) Possesses a valid Maine guide license and has met the requirements for carrying passengers for hire under section 13063; ~~or~~
- (2) Possesses a valid ~~maritime license of any type that the commissioner determines, pursuant to section 13052, subsection 2, meets the boater safety education purposes of this subsection.~~ or expired United States merchant marine document issued by the United States Coast Guard for an operator of uninspected passenger vessel, or master or mate captain's license;
- (3) Is test driving a motorboat that is registered in accordance with section 13060-A and that is offered for sale by a dealer that has been issued a watercraft dealer's certificate of number and the person is under the direct supervision of a person 16 years of age or older who has completed a boater safety and education course;
- (4) Possesses a rental or lease agreement that lists the person as an authorized operator of the motorboat and the person has completed a temporary boater safety course provided by the rental agent who has been issued a certificate of number as described in section 13064. A renter or lessor meeting the requirements of this subparagraph may operate the rented or leased motorboat for up to 14 days from the date of course completion or for the duration of the rental agreement, whichever is earlier; or
- (5) Is not a citizen of the United States, arrived to the United States by sea and is temporarily operating on territorial waters as defined in section 6001, subsection 48-B for 60 days or less.

Sec. 7. 12 MRSA §13071-A, sub-§6, as enacted by PL 2021, c. 656, §7, is amended to read:

6. Operating personal watercraft while 16 years of age or older; boater safety and education course requirement. Beginning January 1, 2024, a person born on or after January 1, 1999 may not operate a personal watercraft on inland waters of the State or territorial waters, as defined in section 6001, subsection 48-B, unless that person is 16 years of age or older and has completed a boater safety and education course.

A. 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.