

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

An Act To Save Lives on Maine Waters

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

Sec. 1. 12 MRSA §13068-A, sub-§4, as enacted by PL 2003, c. 655, Pt. B, §380 and affected by §422 and amended by c. 689, Pt. B, §6, is further amended to read:

4. Operating watercraft without proper safety equipment. Except as provided in paragraph B, a person may not operate or be a passenger in a watercraft without proper safety equipment as described in paragraph A.

A. A person operates or is a passenger in a watercraft without proper safety equipment if the person operates or is a passenger in a watercraft and:

(1) Fails to comply with the same requirements pertaining to lights, life-saving devices, fire extinguishers and other safety equipment as required by federal laws and regulations on federal navigable waters, as promulgated under the Federal Boat Safety Act of 1971, Public Law 92-75, as amended;

(2) Fails to comply with requirements pertaining to additional equipment not in conflict with federal navigation laws, which the commissioner may prescribe if there is a demonstrated need; or

(3) Fails to wear a Coast Guard approved Type I, Type II or Type III personal flotation device while ~~canoeing or kayaking on the Saco River between Hiram Dam and the Atlantic Ocean between January 1st and June 1st; or~~ operating or being a passenger in a watercraft.

(4) Fails to wear a Coast Guard approved Type I, Type II, Type III or Type V personal flotation device while operating a watercraft on:

(a) ~~The Penobscot River, between the gorge and the head of Big Eddy; or~~

(b) ~~The Kennebec River, between Harris Station and Turtle Island, at the foot of Black Brook Rapids.~~

B. Notwithstanding paragraph A:

(1) Canoes, owned by a boys or girls summer camp located upon internal waters in the State and duly licensed by the Department of Health and Human Services and utilized by campers under the direction and supervision of a camp counselor at least 18 years of age or older during training and instruction periods on waters adjacent to the main camp within a distance of 500 feet from the shoreline of that camp, are exempt from this subsection; ~~and~~

(2) Log rafts, carrying not more than 2 persons and used on ponds or lakes or internal waters of less than 50 acres in area, are exempt from carrying personal flotation devices;

(3) Watercraft carrying people to a watercraft at a mooring site are exempt from this subsection; and

(4) Commercial watercraft carrying passengers when the commercial watercraft is required by law to have personal flotation devices on board are exempt from this subsection.

C. 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 nor 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.

Sec. 2. Rules adopted. The Commissioner of Inland Fisheries and Wildlife shall adopt rules to reflect the requirement that all persons who operate or are passengers in a watercraft wear Type I, Type II or Type III personal flotation devices. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill makes it mandatory, with certain exceptions, that everyone in a watercraft wear a personal flotation device.