

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 Require Boating Safety Education

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

Sec. 1. 12 MRSA §13056, sub-§1-C is enacted to read:

1-C. Operating with temporary boating safety certificate. The commissioner may issue a temporary boating safety certificate registration with the issuance of the identification number and validation stickers.

Sec. 2. 12 MRSA §13074 is enacted to read:

§ 13074. Boating safety

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 municipality or State Government or the Federal Government.

2. Requirements. A person may not operate a noncommercial motorboat on any waters of the State unless the person:

A. Completes and passes a boating safety course approved by a national association of state boating law administrators or any other course with equivalent standards approved by the commissioner;

B. Possesses a valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 Code of Federal Regulations, Part 10 (2007) or a marine certificate issued by the Canadian government;

C. Is operating a motorboat under a supervised program or activity or 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;

D. In the case of a motorboat, possesses a state-approved nonrenewable temporary boating safety certificate issued by the commissioner pursuant to section 13056, subsection 1-C to operate the motorboat that is valid for 90 days with the certificate of number for the motorboat if the motorboat is new or was sold with a transfer of ownership;

E. Is operating a motorboat while in possession of a rental or lease agreement from a motorboat rental or leasing business that lists the person as the authorized operator of that motorboat for a period of not more than 60 days;

F. Demonstrates that the person is not a resident and meets any applicable boating safety requirements and provides proof of training from the state of residency or possesses a Canadian pleasure craft operator's card; or

G. Has assumed operation of the motorboat due to the illness or physical impairment of the initial operator and is returning the vessel to shore.

3. Applicability. This section applies to operators of noncommercial motorboats as set out in the schedule in this subsection.

A. Beginning June 30, 2012, an operator 20 years of age or younger must meet the requirements of this section.

B. Beginning June 30, 2013, an operator 30 years of age or younger must meet the requirements of this section except as provided in paragraph A.

C. Beginning June 30, 2014, an operator 40 years of age or younger must meet the requirements of this section except as provided in paragraphs A and B.

D. Beginning June 30, 2015, an operator 45 years of age or younger must meet the requirements of this section except as provided in paragraphs A to C.

E. Beginning June 30, 2016, an operator 50 years of age or younger must meet the requirements of this section except as provided in paragraphs A to D.

F. Beginning June 30, 2017, all operators must meet the requirements of this section.

4. Proof of compliance. A person who operates a motorboat on any waters in the State must present evidence, at the request of any law enforcement officer, that the person has complied with this section. A licensed Maine guide may request proof of compliance with this section from that guide's clients or customers.

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 violating this section 3 or more times within the previous 5-year period commits a Class E crime.

Sec. 3. Program implementation. The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources shall jointly implement using existing departmental personnel and resources a recreational boating safety education program, referred to in this section as "the program."

1. The role of the commissioners in implementing the program is limited to:

A. Maintaining current levels of recreational boating safety education by the commissioners;

B. 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 Squadron or a successor organization;

C. 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 the Maine Revised Statutes, Title 12, section 13056. 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 Title 12, section 13056, subsection 1-C ;

D. 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

E. Jointly developing rules for program implementation and maintenance.

2. In developing the rules pursuant to subsection 1, the commissioners 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:

A. Compliance and enforcement procedures;

B. Making courses available statewide, including through the Internet;

C. The acceptance of certificates, issued by recreational boating safety 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;

D. The issuance of duplicate certificates and record keeping by approved providers of boating safety education;

E. Requirements for course providers and instructor certification;

F. Equivalency examination criteria;

G. The establishment of standardized fees for proctored examinations; and

H. 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.

Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 4. Effective date. This Act takes effect July 1, 2011.

SUMMARY

This bill requires boating safety education for all motorboat users in the State. It requires full compliance for all users by 2017, but creates a phase-in for implementation by age group.