



HOUSE OF REPRESENTATIVES

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Testimony of Representative Allison Hepler presenting
**LD 1042, An Act to Require a Person Operating a Watercraft for
Recreational Purposes to Ensure All Passengers Under 13 Years of Age Wear
Coast Guard Approved Personal Flotation Devices**
Before the Joint Standing Committee on Inland Fisheries and Wildlife

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Allison Hepler, and I represent the towns of Arrowsic, Georgetown, Phippsburg, West Bath and Woolwich. I am pleased to present **LD 1042, An Act to Require a Person Operating a Watercraft for Recreational Purposes to Ensure All Passengers Under 13 Years of Age Wear Coast Guard Approved Personal Flotation Devices**.

As a member of this committee in 2022, I served on a stakeholder group to clarify aspects of a newly enacted boater safety law. In that stakeholder group, we tackled issues such as whether persons of a certain age should be exempt from the boater safety and education course requirement, how to handle differences between recreational and commercial boating, and how to ensure the safety of summer boat rentals. This committee enacted the recommendations of the stakeholder group, and the recommendations were enacted by the 131st Legislature. Importantly, we kept the requirement that only people born after 1999 would be required to take a boater safety and education course.

While the stakeholder group included members of the youth summer camp community, we did not consider any changes to rules devoted to young people. However, a year ago a constituent with a long history of teaching boater safety brought to my attention that state rules around personal flotation devices (PFDs) worn by children differ from U.S. Coast Guard requirements. Specifically, while current Maine statute is silent on a minimum age below which wearing a PFD is required, rules of the Department of Inland Fisheries and Wildlife specify that children “age 10 and under” are required to wear a life jacket.

This bill would put into statute a requirement that children who are under 13 be required to wear a PFD, which is consistent with the Coast Guard requirement under 33 CFR 175.25.¹ As indicated by Maine's recreational boater safety law, an exception to this requirement applies to canoes owned by youth camps and log rafts subject to certain conditions. LD 1042 makes no change to this part of the law.

I submitted this bill for a couple of reasons. First, I have great respect for Coast Guard rules. And, to be clear, Coast Guard law also allows for states to have different requirements from federal rules. When states do have different requirements, the Coast Guard honors them. However, changing Maine's age rules would make Maine consistent with the Coast Guard, and consistency would make for ease of enforcement.

Also, when contemplating changes to Maine law, I am a big fan of looking at what other states do. On the BOATUS.org website, there is a state-by-state listing of states and PFD requirements, which will be provided to you.² I decided to look at the 30 states that border the Atlantic, Pacific, Gulf and Great Lakes. Out of these 30, 19 state laws regarding children's requirements are consistent with the Coast Guard. In New England, New Hampshire, Connecticut and Rhode Island mirror the Coast Guard rules; Massachusetts is 11 and under. Maine's requirement at 10 and under is the lowest.

Finally, I am not a parent but I can't help but believe that requiring children to wear life jackets for two more years can only help ensure a lifelong pattern of safe use on the water. PFDs save lives. I have no statistics regarding the age of people who drowned. However, the Coast Guard's 2023 Recreational Boating Statistics identified 377 deaths due to drowning, the largest cause of fatal boating accidents where the cause of death was known (75%): "Of those drowning victims with reported life jacket usage, 87% were not wearing a life jacket."³

Thank you for your time and I hope to be able to answer any questions you have.

¹ 33 CFR 175.15(c) states that when a State has not established its own requirement for a child to wear a PFD, the Coast Guard requires all children under 13 to wear a life jacket. 33 CFR 175.25 maintains that for states with a requirement, the state requirement applies only to state waters.

² <https://www.boatus.org/life-jacket-loaner/state-requirements>. BoatUS Foundation promotes "safe, clean, and responsible boating" and provides educational outreach directly to boaters.

³ <https://uscgboating.org/library/accident-statistics/Recreational-Boating-Statistics-2023-Ch2.pdf>. See page 64 for Maine state-by-state. See pages 6 and 7 for fatalities and life jacket use.