

Office of Policy and Legal Analysis

Date: 3-22-21
To: Joint Standing Committee on Inland Fisheries and Wildlife
From: Jon Clark, Deputy Director, OPLA
Re: [LD 349](#), “An Act To Prohibit the Use of Personal Watercraft on Keyes Pond in the Town of Sweden” (Millett)

Summary:

This bill adds Keyes Pond in the Town of Sweden in Oxford County to the list of water bodies in the State on which the operation of personal watercraft is prohibited.

Testimony: 2-22-21

Pro Sen. Millett
Andrew Black
Colin Holme, Executive Director, Lakes Environmental Association
Charles and Joan Howard
Monica Bigley, President, Keyes Pond Environmental Protection Association
Linda and Orrin Shane
Sara-Miriam Gibely

Con Stacey Keefer, Executive Director, Maine Marine Trades Association

NF/NA Dan Scott, Col, Warden Service, DIFW

Information Requests:

- DIFW’s view on any current applicability of the 1999 law to which the department referred that set up a process for municipalities to submit recommendations for the use, operation and type of watercraft on great ponds.

Additional Information:

- The 1999 law ([PL 1999, ch. 701](#)) that set up a process for municipalities to submit recommendations for the use, operation and type of watercraft on great ponds gave municipalities until Nov. 1998, then Dec 2000 and finally December 1, 2001 to submit their recommendations. The department then submitted its recommendations, based on the municipal recommendation, to the Legislature; the last report was due in 2022. Legislation relating to this process created and then expanded a list of ponds where personal watercraft were prohibited:
 - The initial list: **PL 1999 c. 400** (LD 2335)
 - Expanded list: **PL 1999 c 697** (LD 2671)
 - Last expanded list from this process: **PL 2001 c 638** (LD 2204)

- Subsequent to that process, two further ponds have been added by the Legislature to the list of ponds, both in 2003:
 - Indian Pond was added by [PL 2003 Ch 403](#) (section 27)
 - Lake St George was added by [PL 2003 Ch 484](#)
- The current law: <http://legislature.maine.gov/legis/statutes/12/title12sec13071-A.html>
- [LUPC rule appendix](#) lists additional water bodies in unorganized areas where personal watercraft are prohibited
- DIFW's current authority to regulate watercraft by rule may be found in [12 MRSA §13051](#). That provision allows DIFW, acting jointly with DMR, to adopt rules governing, among other things:
 - The use and operation of watercraft to insure safety of persons and property; and
 - The horsepower of motors allowed. Horsepower limits may be only adopted as a result of a petition from municipal officers (county commissioners for unorganized territories) or from 25 citizens, requesting a proposed horsepower limitation.
- DIFW information sheet on Keys Pond ([linked](#))

Fiscal Impact:

Not yet determined