

# LD 394: An Act to Protect Maine's Loons and Other Wildlife in the Issuance of a Permit to Hold a Regatta, Race, or Boat or Water-Ski Exhibition



**The Goal:** Protect Maine's wildlife, wildlife habitat, and water quality when the concentration and speed of racing boats exceeds the capacity of the body of water to accommodate that use.

## **Boat races are hazardous to loons and other aquatic wildlife**

- Racing boats race at speeds of 70+ mph, 4 abreast, with no chance of swerving to avoid wildlife
- Loons and other aquatic birds have almost no chance of escaping a boat racing toward them at 100 ft./second
- Race boat drivers are laser-focused on gaining an edge on the boats around them, and largely oblivious to wildlife hazards around them
- The tragic 2018 loon death during a permitted high-speed boat race on Watchic Lake in Standish Maine is a perfect example of the devastating impact a boat race can have on resident wildlife

# What Happened

In May of 2018 a banded male Common Loon, part of an actively nesting pair with a long and successful history of raising chicks, was found dead on the shoreline in the afternoon following three full days of boat racing. Experts agree that the injuries shown are very likely the result of a boat or propeller strike from the race given the visible signs on the body and the timing and location of the body of the dead loon.



# The Races

In case you are not familiar with the races in question there is a video of a race in Maine available on YouTube. The URL is:

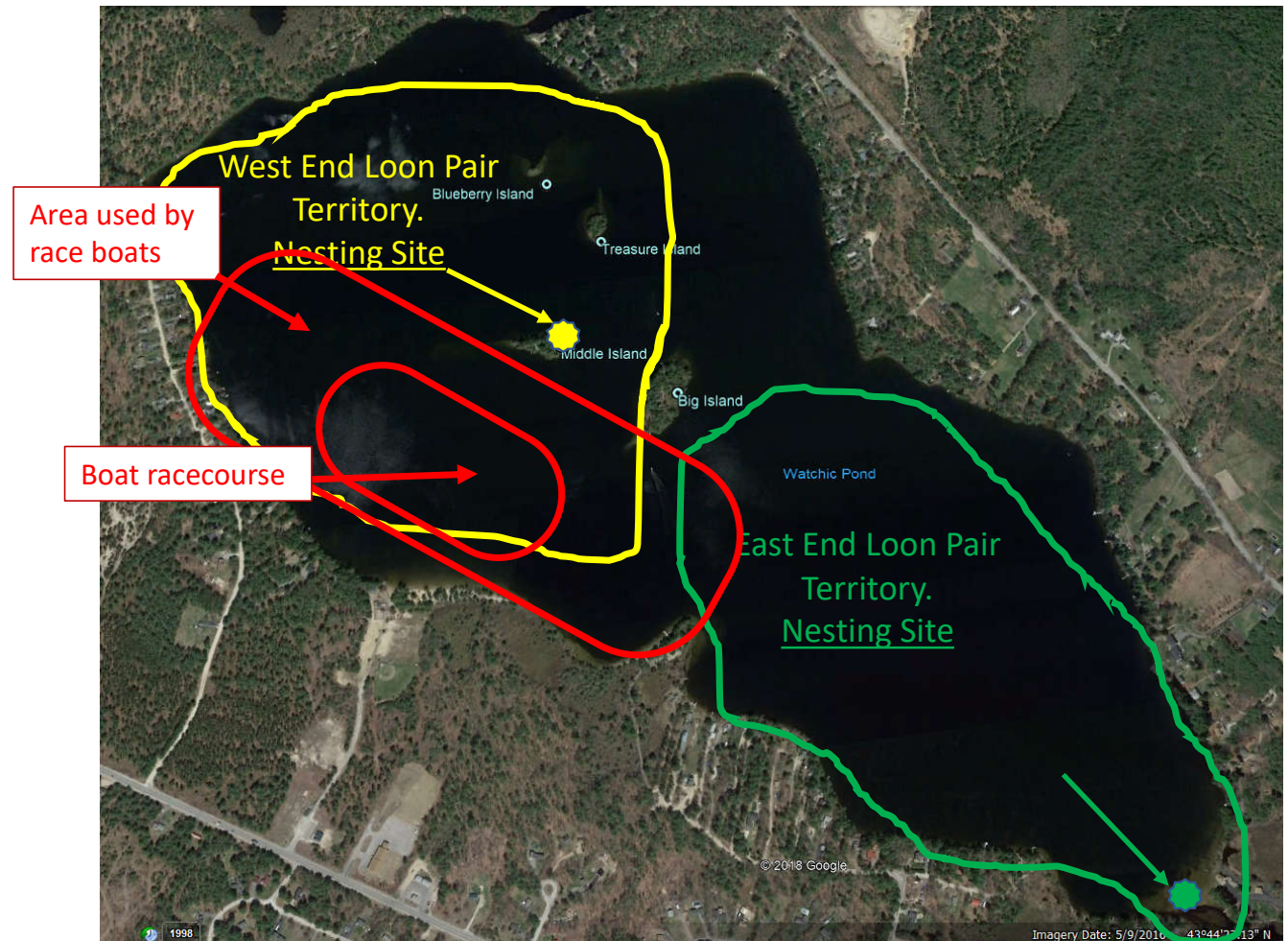
<https://youtu.be/wXUSFIUC4I8>

These boats travel as fast as 70 MPH and up to four abreast. There is no chance they can avoid a loon that pops up in their path or is swimming below the surface.



# Race Area vs. Loon Territories

The loon territories are well established and documented on this lake through the efforts of volunteers on the lake, the Maine Audubon Society, Biodiversity Research Institute and Loon Conservation Associates. The diagram shows the intersection of the loon territory with the boat race. Consultation with loon experts and wildlife biologists has made it clear that a lake of this size (443 acres), with two nesting loon pairs is not an appropriate location for a boat race of this type. During the 2020 Audubon loon count there were a total of 16 loons on the lake including two chicks.



# Boat races pose much larger threats to wildlife than normal recreational boating

- Typical recreational boating speeds are 10 to 25 mph, compared with racing speeds of 70+ mph
- Recreational boats do not typically race 4 abreast at 70+ mph
- Recreational boaters are more likely to be on the lookout for wildlife, and more likely to take evasive action than racers trying to get an edge on the boats next to them
- A loon, for example, has  $< \frac{1}{2}$  second to dive out of the way of a racing boat bearing down on it from 50 feet away—and this includes getting deep enough to avoid the propeller).

# What We Learned About These Permits

- Boat Race Permits are granted by Maine Department of Inland Fisheries and Wildlife (IF&W).
- The permit ordinance (Title 12, Part 13 (6), Chapter 935, §13061 Permit to hold regatta, race, boat exhibition or water-ski exhibition) includes no consideration of the impacts to wildlife or the environment of a body of water when issuing a permit.
- If wildlife was to be included in the consideration of a permit the law needed to be changed to empower IF&W to deny a permit on that basis.

# Loons are particularly vulnerable

- Boat strikes are recognized as the leading cause of loon mortality—now accounting for nearly 30% of reported loon deaths
- Maine's loon population has shown a decline for the second year in a row, according to the Maine Audubon Society's 2020 loon census.
- Loon populations are slow to rebound. Loons don't start breeding until they are about 6 years old, and they produce just one or two chicks a year. The odds are against them— only one in four chicks makes it to breeding age.
- Loons are heavy birds. They can't simply fly away from danger like other aquatic birds. Their best chance of escape is to dive and to resurface (hopefully) away from the danger



# What LD 394 is Trying To Change

- The statute that governs the permitting of boat races (12 MRS § 13061) makes no reference to wildlife, wildlife habitat, or water quality, which prevents IF&W from giving them any consideration in the issuance of a permit for a racing event. Therefore, in the case of boat races, wildlife no seat at the table.
- Despite the fact that the statute says the Commissioner *may* issue permits for boat races, IF&W has ruled that it cannot deny a boat race permit (unless the applicant has failed to notify municipal officers as detailed in the statute), no matter how devastating the event may be to resident wildlife.

# What is LD 394?

## Summary

LD 394 would require a person obtaining a permit to hold a regatta, race, boat exhibition or water ski exhibition to provide protection, as prescribed by the Commissioner of Inland Fisheries and Wildlife, for wildlife, wildlife habitat and water quality

## The Bill

Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 12 MRSA §13061, sub-§4, ¶A-1 is enacted to read: 3 A-1. The person obtaining the permit under subsection 2 shall provide reasonable 4 protection, as prescribed by the commissioner, for wildlife, wildlife habitat and water 5 quality and shall take reasonable precautions to safeguard wildlife, wildlife habitat and 6 water quality.

# We Need Your Help

Public support is critical to the passage of LD 394 - "An Act to Protect Maine's Loons and Other Wildlife in the Issuance of a Permit to Hold a Regatta, Race, or Boat or Water-Ski Exhibition"

There is a public hearing for the bill at 10:00 AM, on March 1, 2021 before the IF&W Committee of the Maine State Legislature and we need as many people as possible to provide written, and ideally, verbal testimony in support of the bill.

# INSTRUCTIONS FOR TESTIFYING

1. Prepare in advance what you want to say. Read through the Fact Sheet. Look online, at <https://www.lakes.me/advocacy> and <https://www.lakes.me/take-action> for what to say and tips for how to say it.
2. Decide if you want to give written testimony, or verbal testimony, or both. If you're comfortable doing both, that will have the most impact.
3. If you are going to give written testimony, write out your letter or statement. When you are comfortable with what you have written, save it as a word, PDF, or text file (or jump to #6B)
4. Log on to <https://www.mainelegislature.org/testimony/> and scroll to the bottom
  - a. where it says Choose a Committee, select Inland Fisheries and Wildlife
  - b. where it says Choose date, select March 1, 2021 10:00AM
  - c. where it says Choose a bill, check LD 394
5. If you plan to speak, check "I would like to present my testimony live" then check "I am for the proposed legislation"
6. If you wish to submit written testimony, click on Choose File to upload your file, or if you haven't saved it as a word or PDF or text file, you may type it into the box provided.
7. Fill in the rest of the form. Give your Maine town of residence whether it is a permanent or seasonal residence.
8. Complete the form, and when you are satisfied, click on Submit / Register
9. You will receive an email with an invitation to a Zoom meeting (Public Hearing) and you will be asked to click a link to register. After you have registered, you will receive another email with a link to join the meeting.



# Additional Information

We have lots more information and are happy to answer any questions. Just email Steve Lajoie at [Steve03229@aol.com](mailto:Steve03229@aol.com)

Stephen Lajoie  
Standish

February 26, 2021

Senator Dill, Representative Landry and distinguished IF&W committee members,  
I am writing in support of Legislative Bill LD 394 LD 394: "An Act to Protect Maine's Loons and Other Wildlife in the Issuance of a Permit to Hold a Regatta, Race, or Boat or Water-Ski Exhibition" which would amend the current regulations regarding the issuance of permits for certain type of boat events by Inland Fisheries and Wildlife (IF&W). The current statute includes no provision for the consideration of dangers to, or negative impact upon, wildlife or the environment and this bill is an effort to rectify that situation.

Although the statute covers many types of boating events most of them pose no more threat to the wildlife and the environment of Maine than normal recreational boating activities. The purpose of this bill is not to ban anything, it is to give IF&W the tools it needs to follow their charter when issuing these permits. The fact that the current permit regulations include no way for IF&W to consider the impacts on wildlife is surprising to most people and clearly an unintentional omission from the permit language. This change would empower IF&W to act when the body of water, and the wildlife in, on and around it, are simply not an appropriate location for a specific type of boating event. This does not seek to, nor will it, ban boat racing in Maine, it will give IF&W the power to deny a specific permit when the proposed event cannot be conducted without endangering the natural resources of the State of Maine, which includes its wildlife.

What happened on Watchic Lake is an example of the potentially devastating effects of holding these races in areas that have established loon territories, but this is not about any one body of water. It happened there, and it could easily happen again. The impact is far greater than the death of one loon, although in my opinion, that is tragic enough. The male loon killed in 2018 was part of a well-established nesting pair that had successfully raised a succession of chicks at the northwest end of the lake for many years. We had excellent data about this pair because the male had been banded many years ago by Biodiversity Research in Portland and our own annual observations over the last decade of the loons and their chicks thriving in and protecting their territory on the lake. The loon was killed during the spring nesting season in 2018. There were no chicks at that end of the lake in 2018 or 2019. It was not until this past summer that another loon pair successfully hatched and fledged two chicks.

Maine's loon population has shown a decline for the past two years, according to the Maine Audubon Society's 2020 loon census. Loon populations are slow to rebound. Loons don't start breeding until they are about 6 years old, and they produce just one or two chicks a year. The odds against them are daunting— only one in four chicks makes it to breeding age. The danger to loons and other wildlife caused by this activity – high-speed boat racing, is real, and it is preventable. No high-speed boat race should ever be permitted in an established loon nesting territory or any area where racing presents a threat to the wildlife or environment. There are plenty of bodies of water in Maine where these races do not run the risk of endangering loons and other wildlife and are an appropriate use of this resource.

I have attached a PowerPoint presentation that summarizes our effort and provides additional background information and hope you will find the time to review it.

The bottom line is that this change to the permit law doesn't ban anything, all it does is give IF&W the tools to deny a permit when they determine that such a race is not appropriate in a certain location. The ultimate authority rests where it always has, with the experts at The Maine Department of Inland Fisheries and Wildlife.

Steve Lajoie  
Standish, ME