

Drafter: JC

File Name:G:\COMMITTEES\IFW\Bill amendments\130th 1st\023802.docx(5/3/2021 3:25:00 PM)

LR (item)#: 238(2)

New Title?: N

Add Emergency?: n

Date: 5/4/2021

LD 114
COMMITTEE AMENDMENT
Unan (4-26-21)

Amend the bill by striking everything after the enacting clause and replacing with the following:

Sec. 1. 12 MRS 13068-A, sub-§10 is amended to read:

10. Operating motorboat that exceeds noise limits. The following provisions govern noise limits.

A. A person may not operate a motorboat in such a manner as to exceed:

(1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or

(2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner.

As used in this paragraph, "motorboat" does not include an "airboat," which has the same meaning as in paragraph ~~A-1~~ A-2.

~~A-1. A person may not operate an airboat in such a manner as to exceed noise level limits established by the commissioner by rule. Rules adopted under this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine.~~

A-2. A person may not operate an airboat:

(1) If the noise level of the airboat exceeds 90 decibels as measured in a stationary sound level test as prescribed by SAE standards J2005;

(2) Between the hours of 7p.m. to 7a.m in a manner as to exceed a noise level of 75 decibels on the "A" scale as measured by the SAE standards J1970, referred to in this subsection as the "shoreline test", except to the extent necessary to achieve headway speed when leaving a boat launch or to move the airboat from a stationary position on a mud flat; or

(3) After 7 a.m. and before 7 p.m. in a manner as to exceed a noise level of 90 decibels as measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to move the airboat from a stationary position on a mud flat.

For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine. This paragraph does not apply to the operation of an airboat by a marine patrol officer appointed under section 6025, subsection 1, a game warden or a municipal law enforcement officer.

This paragraph is repealed on September 30, 2022.

B. 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 \$300 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.

C. This subsection does not apply to motorboats that are operating in a regatta or race approved by the commissioner under section 13061.

Sec. 2. Stakeholder Group on Airboat noise Issues. The Commissioners of The Department of Marine Resources and Department of Inland Fisheries and Wildlife "The Commissioners" shall convene a stakeholder group on issues related to airboat noise, referred to in this section as "the stakeholder group."

1. Formation. The stakeholder group must include a Maine Marine Patrol officer and a Maine Game Warden appointed by the Commissioners. The Commissioners shall also invite the following to serve as members of the stakeholder group: three commercial marine shellfish harvesters who operate airboats; three resident coastal property owners; two municipal marine shellfish officers; and two coastal municipal administrators. The commissioners or the commissioner's designees serve as cochairs of the stakeholder group. The cochairs shall call and convene the first meeting of the task force no later than 30 days following the effective date of this section.

2. Duties. The stakeholder group:

A. Shall examine and determine airboat mechanical systems and adjustments that will result in the lowest practically achievable airboat decibel levels;

B. Shall examine and determine available federal or other funding to assist airboat owners in addressing any identified deficiencies in their airboat mechanical systems;

C. May examine any related issues that the group determines appropriate, including but not limited to establishing and restoring shellfish harvester access to coastal tidal areas; airboat operational techniques to allow for lower decibel levels; and appropriate training and equipment for State and municipal law enforcement officers.

3. Staff; information. The Commissioners shall provide necessary staffing services to the task force. Within existing resources, the commissioners shall arrange for input from experts in airboat noise. The Commissioners shall also ensure that local sound data related to airboat use on inland and coastal waters using SAE J1970, SAE J34 and SAE J2005 testing procedures is gathered and provided to the stakeholder group.

4. Report. By January 15, 2022, the Commissioners shall report to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Inland Fisheries and Wildlife the findings and recommendations of the stakeholder group, including any recommended legislation. After receiving the report, the Joint Standing Committee on Inland Fisheries and Wildlife may report out a bill relating to airboats to the 130th Legislature.

SUMMARY

This amendment replaces the concept draft. This amendment:

1. Repeals current law requiring the Department of Inland Fisheries and Wildlife to establish noise level limits for airboats by rule and replaces it with a provision establishing temporary airboat noise limits. It establishes a noise limit of 90 decibels as measured in a stationary sound level test as prescribed by SAE standards J2005. Between the hours of 7p.m. to 7a.m the operational noise limit is 75 decibels as measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to get off a mudflat. After 7 a.m. and before 7 p.m. the operational noise limit is 90 decibels as measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to get off a mudflat. These noise limits sunset on September 30, 2022;
2. Directs the Department of Marine Resources and Department of Inland Fisheries and Wildlife convene and work with a stakeholder group to examine and determine airboat mechanical systems and adjustments that will result in the lowest practically achievable airboat decibel levels and to examine and determine available federal or other funding to assist airboat owners in addressing any identified deficiencies in their airboat mechanical systems. The stakeholder group may also examine other issues related to airboats such as establishing and restoring shellfish harvester access to coastal tidal areas, airboat operational techniques to allow for lower decibel levels, and appropriate training and equipment for State and municipal law enforcement officers.
3. Within existing resources, the departments are required to arrange for input from experts in airboat noise and collect local sound data related to airboat use on inland and coastal waters using SAE J1970, SAE J34 and SAE J2005 testing procedures.
4. By January 15, 2022, the departments are required to report to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Inland Fisheries and Wildlife the findings and recommendations on airboat noise. After receiving the report, the Joint Standing Committee on Inland Fisheries and Wildlife may report out a bill relating to airboats to the 130th Legislature.

