

Drafter: JC

File Name:G:\COMMITTEES\IFW\Bill amendments\130th 1st\023802 (LD 114 final sponsor amend).docx(4/2/2021 5:41:00 PM)

LR (item)#: 238(2)

New Title?: N

Add Emergency?: Y

Date: 4/5/2021

**LD 114**  
**SPONSOR PROPOSED AMENDMENT**  
**Offered by Rep. McCreight**

**Insert the following emergency preamble:**

**Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the boating season has already begun and noise issues must be addressed immediately to ensure the public welfare; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore,

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 as long as the noise level does not exceed 90 decibels as measured by the shoreland test; 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.

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 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 Marine Patrol Officer and the Maine Game Warden 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 shall examine and develop findings and recommendations regarding:

- A. Establishing and restoring shellfish harvester access to coastal tidal areas;
- B. Airboat mechanical adjustments to allow for lower operational decibels;
- C. Airboat operational techniques to allow for lower decibel levels; and
- D. 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. 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 a session of the 130<sup>th</sup> 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 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, as long as the noise level does not exceed 90 decibels as measured by the shoreland test. After 7 a.m. and before 7 p.m. the operational noise limit is 90 decibels as measured by the shoreline test. These noise limits sunset on September 30, 2022;
2. Directs Commissioners of The Department of Marine Resources and Department of Inland Fisheries and Wildlife to convene a stakeholder group to examine issues related to airboat noise. The group is charged with examining issues related to establishing and restoring shellfish harvester access to coastal tidal areas; airboat mechanical adjustments to allow for lower operational decibels; airboat operational techniques to allow for lower decibel levels; and appropriate training and equipment for State and municipal law enforcement officers. The findings and recommendations of the group must be submitted to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2022. After receiving the report, the Joint Standing Committee on Inland Fisheries and Wildlife may report out a bill relating to airboats to a session of the 130<sup>th</sup> Legislature; and

3. Directs the commissioners to 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.