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Inland Fisheries & Wildlife Committee

LD 114, An Act to Address Airboat Operation in the State

Jay McCreight, HD 51, Harpswell, West Bath, Northeast Brunswick
Monday, April 12, 2021

Senator Dill, Representative Landry, esteemed members of the Inland Fisheries and Wildlife Committee, thank you for inviting the Marine Resources Committee to join you for today's public hearing. I am Jay McCreight, Representative for HD 51, Harpswell, West Bath and Northeast Brunswick, here to offer my proposal regarding airboats, **LD 114, An Act to Address Airboat Operation in the State**.

I won't repeat the history leading up to today's public hearing on LD 114 because you've just had that Report. So let me pick up where that left off.

The proposal before you captures work done during the two rulemaking efforts and other discussions about the issue over the last 3 years. It is the result of collaboration by and with both Departments. Unfortunately, because neither rulemaking effort was successful, this proposal is offered to the Committee for your consideration as you take up the work still needed. I want to thank both Commissioners and their staff for working closely with me, and of course, I thank your analyst, Jon Clark for working with me on the language that is before you in LD 114.

I can't think of a more collaborative process than the efforts undertaken by the Departments of IF&W and Marine Resources to "thread the needle" on this issue. The goal has always been to find a compromise that will address coastal landowners' concerns with the noise generated by these unique watercraft, while at the same time protecting shellfish harvesters' access to the coastal tidal areas (or flats) so they can continue to harvest, continue their conservation work for the health of this important natural resource, and, of course, to earn a living. Imagine farmers who can't get to their fields.

As access to the flats has decreased and been restricted by more and more shoreline development, some harvesters have, by necessity, turned to airboats. Their unique design means harvesters can get to and move on the flats to do their work. They are part of our critical working waterfront that we must support and preserve. Airboats are also used by some municipalities for shellfish management and emergency response, but the work leading up to this proposal and what I offer for your consideration today, focuses on their use for shellfish harvesting, though I have to stress that in both cases they have become an important tool.

I understand that you will hear another bill that uses language very similar to my amendment but that has a very different intent than finding the balance I have worked toward ever since this effort started. Let's not undermine our working waterfront.

To turn to the language of LD 114:

District 51: Harpswell, West Bath, Brunswick (part)

Section 1 is offered for consideration as a temporary measure, and would establish decibel levels for airboats in the state. It sets out a lower decibel level from 7pm to 7am and sets a maximum decibel level overall. Importantly, it includes a sunset provision.

The decibel levels suggested here reflect the discussions held by the Consensus Rulemaking group. I ask that if the committee decides to include Section 1's decibel levels, those suggested here are a place to start, a compromise to respond to property owners concerns while at the same time protecting access to the flats and our working waterfronts. Harvesters have stated multiple times, "we want to be good neighbors....and we need to earn a living." They did agree to these levels, including the lower decibel level in the evening to early morning hours as a temporary measure. Their effort at compromise must not be ignored. Unfortunately, at the last moments of the Consensus Rulemaking process, when it looked like the group might have achieved the goal of consensus, this compromise was rejected by the resident members.

I want to point out that there are many, including municipalities I represent, who feel strongly that no levels should be set at all or, at the very least, not until the sound data gathering is concluded, and I encourage you to consider this option seriously. However, should the Committee decide to include temporary decibel levels, I'd urge that they be reasonable and achievable and certainly no lower than those offered here.

Section 2 includes a stakeholders group, to be convened and staffed by IF&W and Marine Resources Commissioners and to include

- 1 Marine Patrol officer,
- 1 Maine Game Warden,
- 3 coastal property owners,
- 3 shellfish harvesters,
- 2 municipal shellfish officers, and
- 2 coastal municipal administrators,

Their task is to continue the work to address this complex issue fairly and reasonably. The bill also tasks the stakeholder group to examine and develop findings and recommendations around "establishing and restoring harvester access to the flats," mechanical adjustments and operational techniques for lowering the operational decibel levels, and appropriate training and equipment for state and municipal law enforcement officers.

Section 2 also provides that the Commissioners of IF&W and Marine Resources will continue to provide for the study of sound levels for airboats in various conditions.

And finally, Section 2 includes a report back by the Commissioners to the IF&W and Marine Resources Committees by January 15, 2022. And it specifically provides that the Committee of IF&W can report out a bill relating to airboat decibel levels.

I thank the Committee for your attention and your careful consideration of the issues addressed in LD 114. I'm happy do my best to answer any questions.