

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Require a Boating Safety Course for New Boat Registrants**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §13056, sub-§1-C** is enacted to read:

**1-C. Operating with temporary boating safety certificate.** The commissioner may issue a temporary boating safety certificate registration with the issuance of the identification number and validation stickers.

**Sec. 2. 12 MRSA §13074** is enacted to read:

### **§ 13074. Motorboat safety**

**1. Requirements.** Unless otherwise provided by personal watercraft safety requirements pursuant to section 13071-A, a person who cannot show proof of registration of a motorboat in the last 3 years from this State or a jurisdiction outside of the State may not operate a noncommercial motorboat on any waters of the State unless the person:

A. Completes and passes a boating safety course approved by a national association of state boating law administrators or any other course with equivalent standards approved by the commissioner;

B. Possesses a valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 Code of Federal Regulations, Part 10 or a marine certificate issued by the Canadian government;

C. Is operating a motorboat under a supervised program or activity or is being trained by a person qualified under paragraph A or B;

D. Possesses a state-approved nonrenewable temporary boating safety certificate issued by the commissioner pursuant to section 13056, subsection 1-C to operate the motorboat that is valid for 90 days with the certificate of number for the motorboat if the motorboat is new or was sold with a transfer of ownership;

E. Is operating a motorboat while in possession of a rental or lease agreement from a motorboat rental or leasing business that lists the person as the authorized operator of that motorboat for a period of not more than 60 days; or

F. Has assumed operation of the motorboat due to the illness or physical impairment of the initial operator and is returning the vessel to shore.

**2. Proof of compliance; rules.** A person who operates a noncommercial motorboat on any waters in the State must present evidence, at the request of any law enforcement officer, that the person has complied with this section. A licensed Maine guide may request proof of compliance with this section

from that guide's clients or customers. The department shall adopt rules to implement this subsection, including rules to determine what constitutes adequate proof. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2A.

**3. Violation.** A person who violates this section commits a civil violation for which no more than \$100 may be adjudged.

**Sec. 3. Program implementation.** The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources jointly shall adopt by rule a boating safety education program for operators of noncommercial motorboats. In developing the rules, the commissioners shall consult and coordinate with the boating public, professional organizations for recreational boating safety and the boating business community. The rules may include, but are not limited to, provisions regarding:

1. Compliance;
2. Statewide availability of the approved courses, including through the Internet;
3. The issuance of certificates to document successful course completion;
4. Duplicate certificates and record keeping;
5. Requirements for course providers and instructor certification;
6. Equivalency examination criteria; and
7. The establishment of fees for boating safety courses and certificates, not to exceed the cost of giving instruction for each person participating in and receiving the instruction and testing.

The commissioners shall adopt procedures and create forms to meet the requirements for motorboat rental and leasing businesses and the issuance of temporary boating safety certificates pursuant to the Maine Revised Statutes, Title 12, section 13056, subsection 1C.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

## SUMMARY

This bill requires boating safety education for noncommercial motorboat users who cannot show proof of a motorboat registration in the last 3 years, either from the State or a jurisdiction outside of the State.