

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

—
H.P. 1461 - L.D. 2272

An Act Related to Airboats and Airboat Noise Limits

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

Whereas, the Legislature enacted legislation in 2023 to extend the repeal date of the provisions of law establishing airboat noise limits but this legislation did not take effect before the provisions were repealed; and

Whereas, the stakeholder group on airboat noise issues convened pursuant to Public Law 2021, chapter 166 and extended by Public Law 2021, chapter 585 and Public Law 2023, chapter 209 has recommended that the decibel level limits for airboats be reestablished immediately; 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,

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

Sec. 1. 12 MRSA §13068-A, sub-§10, ¶A, as amended by PL 2021, c. 166, §1, is further amended by amending the first blocked paragraph to read:

As used in this paragraph, "motorboat" does not include an "airboat," ~~which has the same meaning as defined in paragraph A-2 subsection 10-A.~~

Sec. 2. 12 MRSA §13068-A, sub-§10-A is enacted to read:

10-A. Operating airboat that exceeds noise limits. The following provisions govern airboat noise limits.

A. 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 J-2005;

(2) Between the hours of 7 p.m. and 7 a.m. in such a manner as to exceed a noise level of 75 decibels on the "A" scale as measured by the SAE standards J-1970,

referred to in this paragraph 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 tidal flat; or

(3) After 7 a.m. and before 7 p.m. in such 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 tidal flat.

B. This subsection 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.

C. 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.

For purposes of this subsection, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine and "SAE standards" means technical standards adopted by the Society of Automotive Engineers.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.