

Report Back Provided to the Joint Standing Committee on Inland Fisheries & Wildlife



REPORT BACK ON: LD 1663 An Act To Improve Boating Safety

Provided By: The Department of Inland Fisheries & Wildlife

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Introduction

Good morning Senator Dill, Representative Landry and honorable members of the Inland Fisheries and Wildlife Committee. I am Dan Scott, Colonel of the Maine Warden Service here to provide a report on MDIFW's work on LD 1663 that proposed a boater education course requirement in Maine. The committee heard the bill in the First Regular Session of the 130th, in spring 2021. Your Committee voted to carry the bill over to the current session to allow time for the department to work on some modifications to the actual language being proposed.

[LD 1663 – An Act To Improve Boating Safety on Maine Waters](#)

[MDIFW Testimony on LD 1663 in 2021](#)



This Committee has considered several bills related to boating behavior, boating impact to property, wildlife, the environment and overall tolerance with various types of noise, motors, operation etc. The Department offered and encouraged education as a potential solution during many of those discussions.

Since the last session we have worked with our colleague Mark Chanski, Education Director for the National Association of State Boating Law Administrators (NASBLA) to get an understanding of the different approaches to mandatory boater education around the United States.

Boater Education in Maine

Since 1987, The Department through its recreational safety programs has offered in person boating safety and education courses taught by volunteer instructors. Interest and participation in these courses have been relatively low over the years and it has only been required for those 16 and 17 years of age to operate a personal watercraft (PWC). This has never been a requirement for boater education to operate a motorboat in Maine.

Requiring boater education to operate a motorboat has been discussed in Maine for more than 20 years. It was a recommendation in the [Final Report of the Great Ponds Task Force in 1999](#) and was not enacted into law for a multitude of reasons. At the top of the list of reasons were: cost of course, delivery and need for increased staffing within the Department.

Many of the problems on our inland waters that were discussed during deliberations of the Great Ponds Task Force (1992-1999) are still present today for example: noise, impact to wildlife and illegal operation to name a few. The Department and others who have an interest in the use of our waters in Maine, feel the lack of understanding of Maine law regarding responsible and safe boating is part of the problem. Many of the complaints and concerns we receive at the Department are focused on horsepower of motorboats on small lakes and ponds and operating at inappropriate speeds on some of our larger waters. Both situations can be addressed with knowledge and enforcement of current boating laws such as headway speed within the water safety zone and imprudent speed or operating to endanger.

We communicate frequently with our registered boaters and people who fish regarding Maine boating laws, but we feel the messages are not reaching the broader audience. Requiring motorboat operators to focus on the safe and responsible boating in Maine by taking an online or in person course seems a necessary next step as many communities that surround our inland waters are not interested in hiring additional law enforcement to address problems and game wardens are a limited resource to address problems at the state-wide level.



Our recreational safety programs have evolved over the past 20 years since the Great Ponds Task Force and the 118th Legislature deliberated over problems on Maine’s inland waters. We now offer the majority of our safety programs through an online format which is more readily available to the public and administratively more cost efficient. We currently offer four approved online courses linked from our website for interested boaters as well as courses offered for in person instruction from volunteers and Department staff. We have a lot of opportunity to enhance all offerings to make sure they focus appropriately on invasive plants and fish, wildlife protection, and other environmental concerns. The technology for virtual courses using Maine specific examples is now available to us and we will continue to progress in this area whether mandatory boater safety education courses are accepted in Maine or not.

Boater Education in the U.S.

Previous studies by the National Association State Boating Law Administrators (NASBLA) show that states having mandatory or enhanced boater education programs in place the longest, have lower rates of boating fatalities. States lacking any boater education course requirements have the highest fatality rates.

Boater education today has expanded well beyond just the safe operation of a boat. NASBLA education standards as an example include trip planning and preparation, equipment requirements, emergency response, environmental concerns, and many more.

Forty-five states in the U.S. have some form of mandatory boater education currently. Maine only requires boater education for persons over 16 and less than 18 to operate a personal watercraft (jet-ski). This link will provide a national perspective on mandatory boater education [Mandatory Boater Education in U.S.](#) Most of our summer visitors that are operating boats have already taken a boater safety course as its required by our neighbors, NH, VT, NY, and CT. Additionally, most states accept a boater education certificate from another state if the course was NASBLA certified. A similar concept is how hunters across the U.S. can buy licenses in other states if they have taken a safety course endorsed by the International Hunter Education Association.

Department Proposal

The Department feels LD 1663 offers an opportunity to develop a more robust boater education program in Maine to address many of the issues concerning our citizens and visitors who recreate and live near our inland waters, alleviating some of the burden on law enforcement as a solution.

We are looking to discuss the following topics with the Committee:



Implementation Options (on Inland Waters Only):

1. Require all motorboat operators to have taken a Department approved boater safety and education course by January 1, 2025 to operate on inland waters; or
2. Require all motorboat operators born after a certain date to have taken a Department approved boater safety and education course.

Proof of Boating Safety Certification:

1. Require operators to have proof available (just like fishing, or driver's licenses); and
2. Require data from online course vendors approved by the Department.

Suggested Requirements for Dept Approval of Course Curriculum

- Course must be NASBLA certified. (Maine currently has a NASBLA certified course); and
- Course must have Maine specific components.

Exceptions to Consider:

- Maine Guides and Coast Guard licensed boat operators

Administration of Mandatory Boater Education:

To accommodate this, MDIFW anticipates the need to do the following:

- Increase marketing and outreach to raise awareness of the law changes to create a smoother transition;
- Add (1) full time Recreational Safety Coordinator, designated as a Water Safety Coordinator;
- Recruit and train new volunteer instructors to lead courses;
- Retrain existing instructors to include water safety to their matrix;
- Purchase additional teaching aids and equipment to support in person courses;
- Set a standard of online course delivery that meets the department's needs for reporting and access to registration data and analytics, in consideration of user costs;
- Online courses must be NASBLA certified and must provide evidence of course completion with a card or certificate issued to the user; and
- Data management, additional time to pull data into our central database via MOSES or other enhancements.



Appendix:

Current Maine Law on who may operate and course requirements:

Operation of Motorboats more than 10 horsepower (HP): A person under 12 years of age may not operate a motorboat with more than 10 HP unless under the immediate supervision of a person in the motorboat who is at least 16 years of age.

Operation of Personal Watercraft (PWC):

- No one under the age of 16 may operate a PWC.
- Persons 16 and 17 years of age may operate a PWC only if they:
 - Have successfully completed an approved safety education course and carry on board proof of age and course completion or
 - Are accompanied on board by a person 18 years of age or older.

Current Online Boating Courses Offered on the MDIFW Website:

These online courses are currently approved by NASBLA and are recognized in the state of Maine.

America's Boating Education Course This course can be completed in any of three ways: on the Internet, by studying an 80-page course manual or with a CD. Student will receive a complete package which includes the course manual, the boating course CD, and a PIN number giving access to the Internet course. This course requires successfully completing the final exam online. **The course costs \$34.95 to receive certificate.**

BoatUS Foundation Online Course This is a free course that can be completed online by participating in six lessons and successfully completing the final exam. **This course is not approved/available in any of the other 5 New England States. This course is free to gain certification, provider asks for a \$10 donation.**

Boat-Ed This online course costs **\$34.95 to receive certificate. This is the course provided by Kalkomey Enterprises.**

BoatTests101 \$24.99. Online Course **This course is not approved/available in any of the other 5 New England States.**



Final Recommendations of the Great Pond Task Force 1999:

- http://ldc.mainelegislature.org/Open/Rpts/kf5570_z99m26_1997.pdf

National Association of State Boater Administrators Information:

- <https://idash.nasbla.net/idashboards/viewer/?guestuser=guest&dashID=233&c=0&NRD=True>
- <https://idash.nasbla.net/idashboards/viewer/?guestuser=guest&dashID=139&c=0>



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