

STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE

**Notice of Agency Rulemaking Proposal**

**AGENCY:** Inland Fisheries and Wildlife

**Advertise:** February 11, 2026

**CHAPTER NUMBER AND RULE TITLE:** Chapter 13 – Watercraft Rules (visual distress signals)

**TYPE OF RULE:** Routine Technical

**PROPOSAL FILING NUMBER:**

**BRIEF SUMMARY:** The Department of Inland Fisheries and Wildlife is proposing to amend Chapter 13 rules to include electronic visual distress signal devices (eVDSD) to the existing list of approved visual distress signals. This is necessary to remain in compliance with US Coast Guard law and rule standards for watercraft and will also provide boaters with more options, keeping up to date with new technology that is considered less dangerous and more reliable. Please contact the agency contact person for a complete copy of the rule proposal.

**PUBLIC HEARING:** None scheduled

**COMMENT DEADLINE:** March 13, 2026

**CONTACT PERSON FOR THIS FILING:**

Becky Orff

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**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** Click or tap here to enter text.

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:** None anticipated

**STATUTORY AUTHORITY FOR THIS RULE:** 12 MRS Section 10104, 13052

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** Click or tap here to enter text.

**AGENCY WEBSITE:** www.maine.gov/ifw

**EMAIL ADDRESS FOR OVERALL AGENCY RULEMAKING LIAISON:**

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**Choose one of the following:**

*The summary provided above is for publication in both the newspaper and website notices.*

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**Please approve the bottom portion of this form and assign the appropriate AdvantageME number.**

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**Rulemaking Fact Sheet**

(see 5 M.R.S. § 8057-A(1))

**Agency:** Inland Fisheries and Wildlife

**Name, Address, Telephone Number, and Email Address of Agency Contact Person:**

Becky Orff

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**Chapter Number and Rule Title:** Chapter 13 – Watercraft Rules (visual distress signals)

**Type of Rule:** Routine Technical

**Statutory Authority:** 12 MRS Section 10104, 13052

**Public Hearing(s):** None scheduled

**Comment Deadline(s):** March 13, 2026

**Principal Reason(s) or Purpose for Proposing this Rule** [see 5 M.R.S. § 8057-A(1)(A)]:

To include electronic visual distress signal devices (eVDSD) to the existing list of approved visual distress signals in Maine’s Rule Chapter 13 related to boating. Maine is obligated to adhere to US Coast Guard law and rule standards for watercraft to comply with federal funding. This is necessary to remain in compliance, but it will also provide boaters with more options and keep up to date with new technology that is considered less dangerous and more reliable.

**Is Material Incorporated by Reference into the Rule** [see 5 M.R.S. § 8056(2-A)]? No

**Analysis and Expected Operation of the Rule** [see 5 M.R.S. § 8057-A(1)(B) & (D)]:

Warden Service, Marine Patrol as well as the United States Coast Guard now accept an electronic VDS in lieu of traditional pyrotechnic flares when conducting routine patrol and enforcement of the boating public.

A Visual Distress Signal (VDS) is any device you can use to help others locate your boat quickly in the case of an emergency. Visual distress signals include day signals that are visible in sunlight, night signals that are visible in the dark, and anytime signals that can be used both day and night. VDS are either pyrotechnic, which use smoke and flame, or non-pyrotechnic, which are non-combustible. There are a wide variety of signals that can be carried to meet federal boating regulations.

In recent years, the US Coast Guard (USCG) has, in response to comments from recreational mariners and professional mariners attempted to address the complex issues of required Day and Night Signals. Current rules for recreational boaters require a Day Signal for vessels over 16’ and Night Signal for vessels over 16’. These can be one and the same, or each element of the requirement can be addressed with different solutions. The “go to” solution has been flares. The solution was agreed upon and the USCG went to the International Body that develops standards for marine electronic devices to write the new standard. The Radio Technology Commission for Maritime Standards (RTCM) produced the standard and now products are available meeting that standard. The standard is for electronic Visual Distress Signal Devices. (eVDSD)

**Brief Summary of Relevant Information Considered During Development of the Rule (including up to 3 primary sources relied upon)**[see 5 M.R.S. §§ 8057-A(1)(E) & 8063-B]:

1. <https://www.boatus.org/study-guide/equipment/vds>
2. Chat GBT
3. Cruising Club of America

Format Revised 11/7/2025

4.46 CFR 161.013

5.46 CFR 160.072

Law enforcement and boating safety instructors are supportive of this advance in technology and allowing the boating public to use it in place of a traditional non-electronic visual distress signal.

**Estimated Fiscal Impact of the Rule** [see 5 M.R.S. § 8057-A(1)(C)]: None anticipated.

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

**Economic Impact, Whether or Not Quantifiable in Monetary Terms** [see 5 M.R.S. § 8057-A(2)(A)]:

Click or tap here to enter text.

**Individuals, Major Interest Groups and Types of Businesses Affected and How They Will Be Affected** [see 5 M.R.S. § 8057-A(2)(B)]:

Click or tap here to enter text.

**Benefits of the Rule** [see 5 M.R.S. § 8057-A(2)(C)]:

Click or tap here to enter text.

*Note: If necessary, additional pages may be used.*

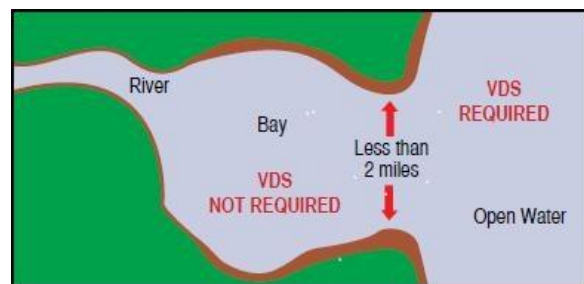
## Chapter 13: WATERCRAFT RULES

## 8. Visual Distress Signals

- A. No person may use a watercraft 16 feet or more in length, or any watercraft carrying six or fewer passengers for hire on territorial waters, unless USCG-approved visual distress signals are on board. Devices suitable for daytime use and devices suitable for nighttime use, or devices suitable for both daytime and nighttime use must be carried.
- B. Between sunset and sunrise, no person may use a watercraft less than 16 feet in length on territorial waters unless USCG-approved visual distress signals suitable for nighttime use are on board.

## 9. Exceptions to Visual Distress Signals

- A. The following persons are exempt from carrying visual distress devices suitable for daytime use; however when operating between sunset and sunrise they must carry on board USCG approved visual distress signals suitable for nighttime use:
- (1) A person competing in any organized marine parade, regatta, race, or similar event;
  - (2) A person using a manually propelled watercraft; or
  - (3) A person using a sailboat of completely open construction, not equipped with propulsion machinery, less than 26 feet in length.
- B. Visual distress signals are not required to be carried by persons operating watercraft on territorial waters shoreward of a line where any entrance is less than 2 nautical miles between opposite shorelines, as shown below.



- C. Any of the following visual distress signals when carried in the numbers shown will meet the federal requirements.

Number Marked On Device	Device Description	Accepted for Use	Required to be Carried
160.021	Hand-held red flare distress signals. (These signals must have a date of manufacture of October 1, 1980 or later to be acceptable).	Day & Night	3
160.022	Floating orange smoke distress signals (5 min.).	Day only	3

160.024	Pistol-projected parachute red flare distress signals (37mm) (these signals require use in combination with a suitable approved launching device).	Day & Night	3
160.036	Rocket propelled parachute red flare distress signals.	Day & Night	3
160.037	Hand-held orange smoke distress signals.	Day only	3
160.057	Floating orange smoke distress signals. (15 min.)	Day only	3
060.066	Red aerial pyrotechnic flare distress signals for boats. (These devices may be either meteor or parachute type and may need an approved suitable launching device.)	Day & Night	3
<u>161.013</u>	<u>Electronic distress light for boats. (Electronic Visual Distress Signal Devices, eVDSD)</u>	<u>Night Only</u>	<u>1</u>
<u>160.072</u>	<u>Orange distress flag.</u>	<u>Day Only</u>	<u>1</u>