

**TESTIMONY OF THE  
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE  
BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE  
IN SUPPORT OF L.D. 1807**

**“An Act to Implement the Recommendations of the Department of Inland Fisheries and  
Wildlife's Report on Boater Safety Education”**

Reported by: Representative LANDRY of Farmington

**DATE OF HEARING: May 8, 2023**

Good morning Senator LaFountain, Representative Landry and members of the Inland Fisheries and Wildlife Committee. I am Game Warden Lt. Jason Luce speaking on behalf of Inland Fisheries and Wildlife, in support of **L.D. 1807**.

I would like to provide some background and context on how this bill came to fruition. In 2021 during the 1<sup>st</sup> Regular Session of the 130<sup>th</sup> Legislature “L.D. 1663 An Act To Improve Boating Safety on Maine Waters”, sponsored by Representative Jessica Fay was introduced to the IFW committee. This was carried over to the 2<sup>nd</sup> Session and IFW provided a report back.

The bill passed and became [\*\*PUBLIC LAW 2022 CHAPTER 656\*\*](#), in 2022 but has a delayed implementation date of January 1, 2024. As part of the law, the IFW committee required a stakeholder group be formed with a goal of reporting back on its proposals in 2023. The focus of the group was to discuss how mandatory boater education should be implemented in Maine.

The stakeholder group brought representatives from the marine trades, a sporting association, the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the National Association of State Boating Law Administrators, a legislator, a lake water quality association, a summer camp representative, and a marina/boat dealer/rental agent.

During the stakeholder process 6 meetings were held from 6/29/22 to 12/5/22. Though the members of the stakeholder group didn't always share the same opinion on each topic discussed, consensus on the proposals put forth to this Committee were supported by the majority. The collective recommendations of the stakeholder group include statutory changes, policy changes and educational outreach.

This bill proposes statutory changes based on the recommendations included in the report back by the mandatory boater education stakeholder group. The committee heard the Department's review of the report back that was given on behalf of the stakeholder group on March 22, 2023.

**Section 1 and Section 3 of the bill allow the option of an equivalency exam that will be offered by IFW.**

The group recommended that IFW offer an equivalency exam so that if someone would prefer to test out of the full boater education course they can choose to do so. Persons who choose not to take the full course may prepare in various ways including studying the boater education student manual, they may have previous experience on the water, they may utilize the IFW website online materials or may have taken a boating course that isn't NASBLA approved. This provides an option to become certified without taking a full NASBLA course.

**Section 2 of the bill define "Recreational Boating".** The group discussed defining commercial boating and/or recreational boating. The decision was made to propose defining recreational boating and use similar language as found within the Code of Federal Regulations. They felt it would automatically exempt boaters who were fishing commercially which is what DMR had asked for.

**Section 4 of the bill replaces "operate a motorboat" with "or motorboats other than for recreational purposes".** It was proposed and agreed upon by the group that the language "other than for recreational purposes" should be written in statute every time it states, "operate a motorboat" so it is clear that whether you are on inland or tidal waters the boater education requirement is only when the boat is being used recreationally.

**Section 6 of the bill adds the following exemptions to the requirement to complete a boater safety education course:**

- 1. Modifies the description of the type of maritime license that can be exempt from the boater education course requirement.** The group had discussions about the appropriate title for the maritime license that is exempt and wanted clearer language so a proposal to use Coast Guard language was put forth.
- 2. Creates a boater education course exemption for customers trying a boat with a boat dealer.** The group asked that a statutory proposal be included in the report back, allowing anyone who wants to try a boat to possibly purchase from a dealer, be exempt from the course requirement.
- 3. The group agreed to propose to allow boat rental agents to be able to offer a temporary boating safety course that would allow the renter to operate the boat for up to 14 days from the date the course was complete or for the duration of the rental agreement.**
- 4. Including boaters on territorial waters to have a boater safety course.** Department of Marine Resources supported requiring the NASBLA approved course on territorial waters if the boat was being operated for recreational purposes.
- 5. Boater education course exemption for transient boaters/foreign vessels who come into Maine waters.** The group discussed transient boaters/foreign vessels who come into Maine waters by sea, being exempt completely or being exempt for up to 60 days. After great debate and validating that Canada's boaters are required to take a course that is NASBLA approved, the group decided to propose that someone "*who is not a citizen of the United States, arriving by sea and is temporarily using Maine's territorial waters as defined within §6001 for 60 days or less*" could operate without proof of a NASBLA approved course. The group decided against proposing any exemption for inland waters for nonresident boaters who arrive by land. The Canadian Pleasure Craft Certification that is required in Canada is NASBLA certified/recognized. See section 4.1 for confirmation of this at the link below:

<https://tc.canada.ca/en/corporate-services/consultations/public-consultation-modernizing-pleasure-craft-operator-competency-program/fee-proposal-pleasure-craft-operator-competency-program>

6. **There was a lot of discussion amongst the stakeholder members about changing the born-after-date.** The group discussed their differences of opinion on keeping the current born after date vs. increasing the age required to take the course which would encompass more of the boaters who statistically cause accidents.

Though final majority vote by the group did not recommend a change the age requirement for mandatory boater education it is something the committee can discuss. Here was the breakdown on the VOTE: 5 out of 9 voted to keep the born after date the same, 4 out of the 9 voted to either require all ages take the course or take it up to a certain age (ex: up to 55 years old).

I would be glad to answer any questions at this time or during the work session.