# **09-137 DEPARTMENT OF INLAND FISHERIES & WILDLIFE**

**Chapter 13: WATERCRAFT RULES**

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**13.02 Definitions**

Within these rules the terms listed below have the following meanings. The words and phrases used within these watercraft rules which are not listed below, but are defined within 12 M.R.S. §13001, shall also be a part of these watercraft rules.

1. **Aft:** means the rear half of the watercraft or boat as contrasted to the bow which is the forward half of the boat.
2. **All-Round Light:** means a white light showing an unbroken light over an arc of the horizon of 360 degrees.
3. **Boat Exhibition Event:** means an organized display of boats on the water for public viewing.
4. **Bow:** means the front half of a boat or watercraft.
5. **Fore**: means the direction towards the front of the boat or watercraft.
6. **Hull Length**: means the distance measured from end to end over the deck, excluding sheer. It is the straight-line measurement of the overall length, stated in feet and inches, from the foremost part of the watercraft to the aftermost part measured parallel to the centerline, excluding outboard motors, brackets, bowsprits, rudders and similar attachments.
7. **Marine Engine**: An engine for marine use, installed on a boat or ship.
8. **Masthead Light**: means a white light placed over the fore and aft center line of the watercraft showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead 22.5 degrees abaft the beam on either side of the watercraft, except that on a watercraft of less than 40 feet in length the masthead light shall be placed as nearly practical to the fore and aft center line of the watercraft.
9. **Motorboat Race Event:** means an organized race of motorboats on inland waters of the state.
10. **Nonmotorized Boat Race Event:** means an organized race of nonmotorized boats on inland waters of the state.
11. **Personal Flotation Device**. Personal Flotation Device (PFD) means a life saving device approved by the United States Coast Guard (USCG) and includes:

A. A wearable PFD that is intended to be worn or otherwise attached to the body, also known as a life jacket.

B. A throwable PFD that is intended to be thrown to a person in the water. (A PFD marked as a wearable is not legally considered a throwable PFD.)

1. **Parade Event:** means an organized event on the water where the use of motorboats or watercraft are displayed and operated at headway speeds in an orderly fashion.
2. **Regatta** (generally known as a sailboat race): means an organized water event of limited duration using sailboats propelled by sail or rowing.
3. **Sidelights**: means a green light on the starboard side and red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. On a watercraft of less than 65 feet in length the side lights may be combined in one lantern carried on the fore and aft centerline of the watercraft, except that on a watercraft of less than 40 feet in length the sidelights when combined in one lantern shall be placed as nearly as practicable to the fore and aft centerline of the watercraft.
4. **Stern**: means the back part of the watercraft.
5. **Stern Light**: means a white light placed as nearly as practicable at the stern, showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the watercraft.
6. **Underway**: means a moving, floating watercraft that is not moored, anchored or docked.
7. **Visual Distress Signals** “VDS”: (VDS) A visual device, approved by the USCG, in good and serviceable condition, for daytime or nighttime use as applicable and intended to be seen when deployed by a watercraft in distress.
8. **Vessel:** means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water and can be used interchangeably with the word watercraft.
9. **Watersports**: means activities that involve being towed by, or riding in the wake of, a watercraft such as, but not limited to, water skiing, wake boarding, wake surfing, and tubing.
10. **Water-ski Exhibition Event:** means an organized event on the water designed to display or demonstrate water-skiing skills.

**13.03 Contents of Applications and Certificates**

 1**. Applications or Watercraft Registration**

 Each application to secure a Maine Certificate of Boat number (commonly referred to as a registration) as the state of principal use must contain the following information, to be submitted on forms provided by the Division:

 A. Make of watercraft

 B. Year built

 C. Length

 D. Hull material

 E. Type of watercraft (open, cabin, sail, canoe, houseboat or other)

 F. Type of propulsion

 G. Horsepower of engine

 H. Fuel

 I. Type of application

 J. Hull serial number, if any

 K. Use of watercraft

 L. Name and address of owner, including zip code

 M. Owner's birth date

 N. Owner's citizenship

 O. Town of legal residence (Maine residents)

 P. Present number on boat which was previously issued (if any)

 Q. Waters chiefly used on

 R. Name and address of person from whom watercraft was purchased

 Applications filed by a dealer or manufacturer need only contain information for items K, L, and R above.

 2**. Certificate of Watercraft Number**

 Each Maine certificate of watercraft number issued by the Division will contain the following information:

 A. Number issued to watercraft and/or dealer or manufacturer

 B. Expiration date of certificate

 C. Make of watercraft

 D. Owner's birth date

 E. Hull serial number, if any

 F. Year built

 G. Length

 H. Name and address of owner

 I. Type of watercraft

 J. Hull material

 K. Fuel

 L. Propulsion

 M. Use of watercraft

 N. Validation showing official issuance by the Division

 A certificate of number issued to a dealer or manufacturer will show only items A, B, C, H, M, and N; for item C, the word "Dealer" will be listed.

3. **Local Temporary Watercraft Registration**

 Any watercraft registration processed by a local watercraft registration agent, which is not a renewal, shall be a 60 day temporary registration containing the following:

 A. Temporarily assigned watercraft number which corresponds with the temporary decal assigned

 B. Make of watercraft

 C. Year built

 D. Length

 E. Propulsion

 F. Horsepower

 G. Fuel

 H. Type of application

 I. Hull serial number, if any

 J. Use of watercraft

 K. Name and address of owner

 L. Owner's birth date

 M. Owner's legal residence

 All watercraft covered by a local temporary watercraft registration shall be required to display the temporary watercraft registration sticker on each side of the bow of the watercraft until the permanent certificate of number is issued.

**13.04 Reporting Requirements for Watercraft Related Accidents or Casualties**

1. **Information Required for Watercraft Accidents Involving Personal Injury, Death or Disappearance of a Person or Involving Property Damage of $2,000 or more**

Each report required by Title 12, Sections 13069-A, 13069-B and 13069-C shall be provided on forms supplied by the Division, as required, by the watercraft operator or owner to the nearest law enforcement officer or the Commissioner. The Commissioner will ensure operator reports are updated in the Boating Accident Report Database (BARD) System utilizing data gathered from the investigation, including but not limited to:

 A. The number and name of each watercraft involved

 B. The name and address of each owner of each watercraft involved

 C. The name of the nearest city or town, the county, and the body of water

 D. The time and date the accident occurred

 E. The location on the water body where the accident occurred

 F. The visibility, weather, and water conditions at the time of the accident

 G. The estimated air and water temperature

 H. The name, address, age or date of birth, telephone number, operating experience, and boating safety training of the operator making the report

 I. The name and address of each operator of each watercraft involved

 J. The number of persons on board or towed on skis or other apparatus by each watercraft

 K. The name, address, and date of birth of each person injured or killed

 L. The cause of each death

 M. Weather forecasts available to and/or used by the operator before and during the use of the watercraft at the time of the accident

 N. The name and address of each owner of any property damaged in the accident

 O. The availability and use of personal flotation devices

 P. The type and amount of each fire extinguisher used, if any

 Q. The nature and extent of each injury

 R. A description of all property damage and watercraft damage with an estimate of the cost of all repairs

 S. A description of any equipment failure that may have caused or contributed to the cause of the accident

 T. A description of the watercraft accident

 U. The type of watercraft operation (cruising, drifting, fishing, hunting, skiing, racing, or other) and the type of accident (capsizing, sinking, fire, explosion or other)

 V. The opinion of the person making the report as to the cause of the accident

 W. The make, model, type (open, cabin, house or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail or other) fuel, (gas, diesel, or other) construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's watercraft

 X. The name, address, and telephone number of each witness

 Y. The manufacturer's identification number, if any, of the reporting operator's watercraft

 Z. The name, address, and telephone number of the person submitting the report

**13.05 Safety Equipment on Motorboats and Other Watercraft**

 The operator of any watercraft on the waters of this State shall be responsible to ensure that such watercraft is equipped as specified in this rule. Nothing in this regulation rule shall be construed to permit the operation of any watercraft on the federal waters in this State unless they conform to all applicable federal laws and regulations pertaining thereto.

1. **Navigation Lights and Shapes**

In all weather, every watercraft operating on Maine’s inland waters between sunset and sunrise shall carry and exhibit the following lights when underway; and during such time no other lights which may be mistaken for those prescribed shall be exhibited. The word visible, in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

A. Motorboats less than 40 feet in length must exhibit:

(1) A masthead light showing at least two miles or an all-round light showing at least two miles, placed as nearly as practical at the stern; and

(2) Sidelights showing at least one mile.

****

B. Motorboats between 40 feet and 164 feet in length must exhibit:

(1) A masthead light showing at least five miles; and

(2) Sidelights showing at least two miles.



C. All sailing watercraft underway shall exhibit:

(1) Sidelights; and

(2) A stern light.



D. **Sailing watercraft less than 65 feet in length**

(1) In a sailing watercraft less than 65 feet in length the lights prescribed in paragraphs 3.a. and 3.b. of this Rule may be combined by carrying one lantern at or near the top of the mast where it can best be seen.

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**(2) Additional lights**.A sailing watercraft underway, in addition to the lights prescribed in paragraph 3.a. and 3.b. of this Rule, may exhibit at or near the top of the mast where they can best be seen, two all-round lights in a vertical line, the upper being red and lower being green. These lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph 4.a. of this Rule.

 

E. **Sailing watercraft less than 23 feet in length; any watercraft under oars**

(1) A sailing watercraft less than 23 feet in length shall; if practicable, exhibit the lights prescribed in paragraph 3.a. and 3.b. or 4.a. of this Rule. If the watercraft does not, it shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(2) A watercraft under oars may exhibit the lights prescribed in this Rule for sailing watercraft. If the watercraft does not it shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

F. **Watercraft under Sail and Motor**

A watercraft proceeding under sail when also being propelled by machinery shall exhibit forward, where it can best be seen, a black conical shape, with the apex pointing down. A watercraft of less than 40 feet in length is not required to exhibit this shape, but may do so.

G. **Watercraft at Anchor**

Any watercraft anchored on solely internal waters from sunset to sunrise, may display in lieu of the above navigation lights, a single all-round white light. Exception: manually propelled watercraft shall have ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to prevent collision.

H. **Watercraft Manually Propelled**

All watercraft not propelled by machinery or wind power, including but not limited to rowboats, canoes, rafts, kayaks and paddleboards, which are only operated by hand power, rowed, paddled or navigated by the current, shall have ready at hand a lantern or flashlight showing a white light capable of being exhibited in sufficient time to prevent a collision.

I. **Enforcement Lights**

Only watercraft used by a law enforcement officers authorized to enforce this rule or any of the laws of Title 12, MRSA, Chapter 935, are permitted to use or display a distinctive blue colored, pulsating or revolving light for the purposes of enforcing these laws on the water of this State in addition to any other navigational lights required.

J. **Towboats**

Towboats, when towing booms or rafts of wood products on solely internal waters of this State, shall display, in addition to the required lights for the watercraft, a flashing or pulsating amber light on either or both the towboat and the towed raft.

K. **International Lights**

Any watercraft using International Waters between sunset and sunrise must display lights required under International Regulations for Preventing Collisions at Sea (Colregs 1972). Lights under International Rules may be shown on inland waters.

 2**. Personal Flotation Devices (PFD)****Required Usage**

A. Every watercraft, unless specifically exempted in paragraph 5 below, shall carry at least one wearable PFD for each person on board, so placed as to be readily accessible.

B. No person shall operate a watercraft 16 feet or over in length, unless there is one wearable PFD for each person on board and at least one throwable PFD on board the watercraft. Exception: a throwable PFD is not required for a canoe, kayak or standup paddleboard.

C. Each PFD must be used in accordance with any requirements of its approval label and any requirements in its owner's manual, if its approval label makes reference to such manual.

D. No person shall operate a watercraft unless each PFD required by this act is:

(1) In serviceable condition;

(2) Identified by a label bearing a description and approval number demonstrating that the device has been approved by the USCG;

(3) Of an appropriate size for the person for whom it is intended;

(4) In the case of any wearable PFD, readily accessible aboard the watercraft (readily accessible aboard the watercraft means wearable type PFDs that are easily located and retrieved without searching, delay or hindrance);

(5) In the case of any throwable PFD, immediately available for use (immediately available for use means stored in plain and open view in the area where it will be used; not obstructed, blocked, or covered in any way; and capable of being quickly deployed);

(6) Out of its original packaging; and

(7) Not stowed under lock and key.

**3. Exceptions**

A. No person on board a watercraft of the United States operated by foreign competitors while practicing for or racing in competition, shall be required to have on board the watercraft any PFD required by this rule, provided there is on board the watercraft one of the sponsoring foreign country's acceptable flotation devices for each foreign competitor on board.

B. No person shall be required to have a PFD on board while utilizing a beach toy or a surf board within territorial waters as described by Title 12 Section 6001 48-B, while in the narrow limits of a swimming, surfing or bathing area.

C. No person shall be required to have a PFD on board while utilizing a beach toy or a surf board within inland waters as defined by Title 12 Section 10001 – 35 while in the narrow limits of a swimming area as defined by Title 12 Section 1900 – 1.

D. No persons actively engaged in competitive racing or training while in racing shells, rowing sculls, racing canoes or racing kayaks that are recognized by National Racing Associations for use in competitive racing shall be required to have on board any PFD.

E. Please see Section 13.05 for PFD wear exceptions when engaged in certain watersports.

 **4. Special Mandatory PFD Requirements**

A. Persons engaged in watersports shall wear a USCG approved PFD. This PFD may not be an inflatable PFD. No watercraft operator shall tow a watersports participant who is not wearing such a device. Please see Section 13.05 of this rule for exceptions to PFD requirements for persons engaged in watersports.

B. The operator or owner of any watercraft being used for recreational purposes, other than a watercraft required to have a certificate of inspection issued by the USCG, shall require any child age 10 and under who is aboard such watercraft to wear a PFD while the watercraft is underway.

C. All persons on board a personal watercraft, as defined by Title 12 section 13001 – 23 shall wear a PFD and no operator of a personal watercraft shall allow any person to be on board who is not wearing such a device. No person on board a personal watercraft shall use an inflatable PFD to meet the PFD requirements of this subsection.

D. Operation or other use of a watercraft by a licensed guide while assisting or accompanying a client on any waters of this State where licensing by the USCG is not required, is considered "recreational" use for the purposes of determining PFD requirements on the following chart.

All watercraft shall carry the following types and numbers of USCG approved PFDs based on the use and length of the watercraft, and the number of occupants of the watercraft, as indicated:

**PERSONAL FLOTATION DEVICES**

|  |  |  |
| --- | --- | --- |
| **USE OF BOAT** | **LENGTH** | **REQUIRED TYPE OF PERSONAL FLOTATION DEVICE(S)** |
| Recreational:Pleasure or Rental, Lease or Charter for noncommercial uses | Less than16 feet; and all canoes, kayaks and paddleboards regardless of length | A wearable PFD for each person aboard, readily available. |
| 16 feet or longer | A wearable PFD for each person plus one throwable life saving device immediately available in watercraft. |
| Commercial\*Carrying a passenger for hire. | Any length | USCG approved wearable PFD with no less than 22 lbs. (100 N) of inherent buoyancy and turning capability, commonly referred to as a Type I device, of suitable size for each person aboard with at least 31 sq. in. of approved retroreflective material attached on all four sides. |
| Commercial Fishing and Commercial Barges | less than 40 feet | A wearable PFD of suitable size, readily available for each person aboard. |
| 40 feet or longer | A Type 1 wearable PFD of suitable size, readily available for each person aboard. |
| \*All Commercial Uses | 26 feet or longer | In addition to the above, a throwable life saving device in the form of a ring buoy, immediately available. |

5**. Fire Extinguisher**

A. Every motorboat shall be provided with the appropriate number, size, and type of fire extinguishers approved by the USCG as set forth below, which are capable of promptly and effectively extinguishing burning gasoline. The extinguishers shall be kept in condition for immediate use and so placed as to be readily accessible at all times. The provisions of this section shall not apply to watercraft propelled by outboard motors while competing in any authorized race previously arranged or announced, or if such watercraft are designed and intended solely for racing, while engaged in incidental navigation while preparing the motorboats for the race.

**Minimum Number of B-1 Hand Portable Fire Extinguishers Required**

|  |  |  |
| --- | --- | --- |
| **Watercraft length, feet** | **No fixed system** | **With approved fixed system** |
| Under 16 | 1 - B-I | 0 |
| 16 and over, but under 26 | 1 - B-I | 0 |
| 26 and over, but under 40 | 2 - B-II | 1 - B-I |
| 40 and over, but not over 65 | 3 - BI or B-II | 2 - B-I or B-II |

\*One B-2 hand portable fire extinguisher may substitute for two B-1 hand portable fire extinguishers. Toxic vaporizing type extinguishers containing carbon tetrachloride or chlorobromethane are not acceptable fire extinguishers.

**Fire Extinguisher Classification**

|  |  |  |  |
| --- | --- | --- | --- |
| **Classification****Type – Size** | **Foam****(Gallons)** | **Carbon Dioxide****(Pounds)** | **Dry Chemicals****(Pounds)** |
| B-1 | 1 3/4 | 4 | 2 |
| B-2 | 2 1/2 | 15 | 10 |

A. Watercraft 26 feet or less in length which are propelled by outboard motors but are not carrying passengers for hire need not carry such fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors. The intent of this exemption is illustrated in Figure 1 below, where fire extinguishers are required if any one or more of the specified conditions exist; and in Figure 2 below, where specified conditions do not, in themselves, require that fire extinguishers be carried.



(1) Fire extinguishers are required if any one or more of the following conditions exist (numbers identifying conditions correspond to those shown in Figure 1):

(a) Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.

(b) Double bottoms not sealed to the hull or which are not completely filled with flotation material.

(c) Closed living spaces.

(d) Closed stowage compartments in which combustible or flammable materials are stowed.

(e) Permanently installed fuel tanks.



(2) The following conditions do not, in themselves, require that fire extinguishers be carried (numbers identifying conditions correspond to those shown in Figure 2):

(a) Bait wells

(b) Glove compartments

(c) Buoyant flotation material.

(d) Open slatted flooring.

(e) Ice chests.

**5. Sound Devices**

Every watercraft shall be provided with an efficient whistle and/or other sound producing device as set forth in the table below. Watercraft propelled by outboard motors while competing in authorized races or in incidental use while preparing a watercraft for such a race need not comply with these requirements. No sirens shall be used except on emergency or enforcement watercraft or to give fog signals.

|  |  |
| --- | --- |
| **Length of watercraft** | **Type of device** |
| Less than 40 feetno bell required | Some means of making efficient sound signals |
| 40 feet to less than 65 feetno bell required | Whistle audible for 1/2 mile (12-dB) |
| 65 feet to 330 feetbell required | Gong and whistle audible for 1 mile (130 dB) |

**6. Ventilation**

A. All motorboats, except open motorboats, for which any decking-over construction was begun after April 25, 1940, and which use fuel having a flashpoint of 110° or less, shall have at least 2 ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

B. All motorboats built after July 31, 1978, except open motorboats, manufactured or used primarily for noncommercial use, which are rented, leased, or chartered to another for the latter’s noncommercial use; or which engage in conveying six or fewer passengers, are exempted from the requirements of paragraph 1, provided they are equipped with fuel tank compartments that:

(1) Contain a permanently installed fuel tank or tanks where each electrical component is ignition-protected as approved by the USCG; and

(2) Contain only a fuel tank or tanks that vent to the outside of the watercraft.

C. All motorboats built after July 31, 1980, except open motorboats, manufactured or used primarily for noncommercial use and which are leased, rented, or chartered to another for the latter’s noncommercial use; or which are engaged in the carriage of six or fewer passengers, are exempted from the requirements of paragraph 1 provided that such motorboats are equipped with a powered ventilation system that includes intake and exhaust ducts with cowls, and a powered blower installed on the exhaust duct, with the exhaust duct extending to the lower portion of the bilge. The requirement for the intake hose length is not applicable.

D. As used in this section, the term "open motorboats" means those motorboats with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments might flow, open to the atmosphere and so arranged as to prevent the entrapment of any such gases and vapors within the watercraft.

7. **Backfire Flame Control**

All gasoline engines installed in a watercraft, except outboard motors, shall be equipped with a USCG-approved device to efficiently and safely arrest engine backfire on each carburetor.

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 |

**13.06 Water Sports**

1. No person shall operate a watercraft on the internal waters of this State for the purpose of towing a person or persons on water skis, surfboards, aquaplanes, or similar devices in a water safety zone as defined in Title 12, Section 13001, paragraph 29, nor shall any person manipulate any watercraft, tow rope or other device by which the direction or location of water skis, surfboards, aquaplanes or similar devices may be affected or controlled in such a way so as to cause these devices, or any person on them, to approach within the water safety zone.
2. Nothing herein shall prevent the necessary launching, or leaving the shoreline, mooring or landing of the watercraft and persons engaged in water-skiing, surfboarding, or using such similar devices, provided they enter or leave the shoreline in a reasonably direct manner and so as not to endanger any persons or property and provided they do not enter or leave directly into or from another adjoining water safety zone. The Division may, upon written application from the majority of the municipal officers of a municipality wherein said waters are located, waive these provisions along undeveloped shorelines, if after inspection of the site by the Division, it is determined that such waiver would provide a greater safety factor than would be achieved by compliance with these provisions.
3. No person shall operate any watercraft on any waters of this State while towing a person or persons on water skis, surfboard or other similar devices unless there is in such watercraft a person at least 12 years of age, in addition to the operator, who is in a position to continually observe the person or persons being towed unless the watercraft is equipped with a wide-angle rearview mirror and is operating in a regulation slalom course (as defined by the Bureau of State Parks and Public Lands of the Department of Agriculture, Conservation and Forestry). This part shall not apply to those devices operated by the person being towed and so constructed as to be incapable of carrying an operator or passenger in or on the devices.
4. No person shall operate any watercraft for the purpose of towing a person or persons on water skis, surfboards, or similar devices nor shall any person water ski, surfboard, or use similar devices on any waters of this State between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.
5. Persons engaged in watersports shall wear a USCG approved PFD. This PFD is not to be an inflatable PFD. No watercraft operator shall tow a watersports participant who is not wearing such a device.

Exceptions to the requirements of this subsection are permitted under the following conditions:

1. A skier engaged in barefoot water-skiing who wears a barefoot wetsuit designed specifically for such activity.
2. A skier engaged in trick water-skiing whose movements would be restricted or impeded by the bulk of a PFD. For purposes of this subsection, a trick water-skier is a person whose equipment and activities have all of the following characteristics:

**(a) Type of Skis**: for standard double trick skis, a length of no more than 46 inches and width of at least 8 inches, with no keels on the bottom; for single trick skis, a length of no more than 56 inches and width of at least 22 inches, with no keel on the bottom;

(b) Speed of tow no more than 25 miles per hour; and

(c) Tow rope no longer than 50 feet.

1. The operator of a watercraft towing a trick water-skier or barefoot water-skier shall have a PFD readily available aboard the tow watercraft for each such skier who elects not to wear such a device while skiing.

**13.07 Motor Size Restrictions on Certain Internal Waters**

1. For the purpose of determining the horsepower of machinery used to propel watercraft for compliance with this Rule the following definition shall apply:

A. "Horsepower" means the manufacturer's rated horsepower of the machinery and shall include the aggregate of all such propellant machinery on a watercraft.

1. No person, except officers empowered to enforce this Rule while in the line of duty, or representatives of a governmental agency while conducting authorized studies on these waters, shall operate motorboats propelled by machinery in excess of the following horsepower limitations on the water bodies listed for each respective category below.

A. No motorboats allowed:

(1) Adams Pond, Boothbay, Lincoln County.

(2) Big Brook, from Burt Garrity Road to and including Big Brook Lake, Township T13R10 WELS and Township T14R10 WELS, Aroostook County.

(3) Blood Pond, Township T2R13 WELS, Piscataquis County.

(4) Boston Pond, Denmark, Oxford County.

(5) Bradley Pond, Lovell, Oxford County.

(6) Clay Pond, also known as Clays Pond, Fryeburg, Oxford County.

(7) Cushman Pond, Lovell, Oxford County.

(8) Durgin Pond, T2R6, BKP WKR, Somerset County, Somerset County.

(9) Frypan Pond, T2R5 BKP EKR, Somerset County.

(10) Hooper Pond, also known as Little Sabattus Pond, Greene, Androscoggin County.

(11) Horseshoe Pond, Denmark, Oxford County.

(12) Levenseller Pond, Searsmont and Lincolnville, Waldo County.

(13) Little Berry Pond, T2R6 BKP WKR, Somerset County.

(14) Little Kennebago Lake, T3R4, Franklin County.

(15) Little Pond, Damariscotta, Lincoln County.

(16) Lone Jack Pond, T2R6 BKP WKR, Somerset County.

(17) Loon Lake, Dallas Plantation and Rangeley, Franklin County.

(18) Martin Pond, also known as Long Pond, The Forks Plantation, Somerset County.

(19) Moxie Long Bog, Bald Mountain Township, southern Somerset County.

(20) Round Pond, T1R6 BKP WKR, Somerset County.

(21) Saddleback Lake, Dallas Plantation, Franklin County.

(22) Sand Pond, Limington, York County.

(23) Simpson Pond, Roque Bluffs, Washington County.

(24) Thompson Lake, Casco, Cumberland County; restricted on the southernmost part known as The Heath, which is separated from the main body by a causeway.

(25) Trout Pond, T3 R5 BKP EKR, Piscataquis County.

(26) Upper Dam Pool, T4R1, Oxford County; restricted from gates of dam downstream (westerly) 150 yards.

(27) Upper Goose Pond (the northern portion of Goose Pond which is separated by a narrow thoroughfare), Shapleigh, York County.

(28) Walton's Mill Pond, Farmington, Franklin County.

(29) Watson Pond, Rome, Kennebec County.

(30) Wiley Pond, Boothbay, Lincoln County.

B. Motorboats with more than 6 horsepower prohibited:

(1) Black Lake, Fort Kent, Aroostook County.

(2) Boyd Pond, Bristol, Lincoln County

(3) Farrington Pond, Lovell, Oxford County

(4) Foss Pond, Kingsbury Plantation, Piscataquis County

(5) Granger Pond, Denmark, Oxford County

(6) Haley Pond, Dallas Plantation and Rangeley, Franklin County.

(7) Harriman Pond, Dedham, Hancock County

(8) Heald Pond, Lovell, Oxford County.

(9) Horseshoe Pond, Stoneham and Lovell, Oxford County.

(10) Little Pond, Denmark, Oxford County

(11) Little Pond, formerly known as Ell or L Pond, Sanford and Wells, York County

(12) Perley's Pond, also known as Perley Pond, Denmark, Oxford County

(13) Rich Mill Pond, Standish, Cumberland County

C. Motorboats with more than 10 horsepower prohibited:

(1) Arnold Brook Recreation Watershed in Presque Isle, Aroostook County.

(2) Barrett Pond, Holeb Township, Somerset County.

(3) Beals Pond, also known as Crystal Pond, Turner, Androscoggin County.

(4) Beaver Pond, Denmark, Oxford County.

(5) Big Fish Pond, also known as Fish Pond, Holeb Township, Somerset County.

(6) Cox Pond, South Berwick, York County.

(7) East Carry Pond, Carrying Place Township, Somerset County.

(8) Echo Lake, Mount Desert, Hancock County.

(9) Fahi Pond, Embden, Somerset County.

(10) Five Kezar Ponds: (Mud, Little Mud, Back, Middle & Jewett Ponds) located singly or jointly in Waterford, Stoneham and Lovell, Oxford County.

(11) Hobbs Pond, also known as Little Pennessawassee Pond, Norway, Oxford County.

(12) Hodgdon Pond, Tremont and Mount Desert, Hancock County.

(13) Knickerbocker Lakes, Boothbay, Lincoln County.

(14) Lard Pond, Turner, Androscoggin County.

(15) Little Turner Pond, Forsythe Township, Somerset County.

(16) Long Pond, Forsythe Township and Holeb Township, Somerset County.

(17) Lower Range Pond, Poland, Androscoggin County.

(18) Mainstream Pond, Harmony, Cambridge and Ripley, Somerset County.

(19) McKenney Pond, Holeb Township, Somerset County.

(20) Moulton Pond, Dedham and Bucksport, Hancock County.

(21) Nadeau Lake, Fort Fairfield, Aroostook County.

(22) Nequasset Lake, Woolwich, Sagadahoc County.

(23) North Pond, Buckfield and Sumner, Oxford County (see 5 d. below for additional restrictions)

(24) Notched Pond, Gray, Raymond, Cumberland County.

(25) Sand Pond, Embden, Somerset County.

(26) Sand Pond, Sanford, York County.

(27) Seal Cove Pond, Tremont, Hancock County.

(28) Spectacle Pond, Vassalboro and Augusta, Kennebec County.

(29) Stevens Pond, Liberty, Waldo County.

(30) Timoney Lake, Oakfield and Smyrna, Aroostook County.

(31) Toddy Pond, Brooks and Swanville, Waldo County.

(32) Turner Pond, Forsythe Township, Somerset County.

(33) Webber Pond, Bremen, Lincoln County.

(34) West Harbor Pond, Boothbay Harbor, Lincoln County.

D. Motorboats with more than 10 horsepower prohibited from June 1 to September 15:

(1) Little Black River, tributary to the St. John River, Aroostook County.

E. Motorboats with internal combustion engines prohibited:

(1) Beaver Pond, Bridgton, Cumberland County.

(2) Garland Pond, Sebec and Dover-Foxcroft, Piscataquis County.

(3) Mt. Blue Pond, Avon, Franklin County.

(4) North Pond, within 300 yards of the North Pond Dam, Buckfield and Sumner, Oxford County.

(5) Pinkham Pond, Alna, Lincoln County.

(6) Scituate Pond, York, York County.

(7) Sewell Pond, Arrowsic, Sagadahoc County.

(8) York Pond, Eliot, York County.

**13.08 Rules of Operation for Watercraft on Internal Waters**

1. In order to prevent the collision of watercraft the following rules apply to the operation of all watercraft in relation to each other on the internal waters of this State.

A. When watercraft are approaching each other head on, or nearly so, each watercraft shall direct their courses to the right and pass on the port side of each other and at a distance and speed so that the wake of each will not endanger the other.

B. When a watercraft desires to pass another watercraft on either side in the same direction, the overtaking watercraft shall keep clear of the overtaken watercraft and shall not pass until it is safe to do so, and then at such speed and distance so as not to endanger the overtaken watercraft. The overtaken watercraft has the right of way until the overtaking watercraft has safely passed.

C. When watercraft approach each other at right angles or obliquely, the watercraft approaching on the right (starboard) side has the right of way and the other watercraft which has such watercraft on its right side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other watercraft, or stop and reverse if necessary to avoid collision.

D. Watercraft under sail alone or being propelled by oars or paddles have the right of way over watercraft propelled by machinery, except when overtaking as described in No. 2.

E. In narrow channels, streams, and thoroughfares, every watercraft shall keep to the right of the middle of the channel in the direction which it is traveling when it is safe and practicable to do so.

F. It shall be the duty of every operator to abide by these rules. However, where immediate danger exists the operator shall, if necessary, depart from these rules to the extent necessary to avoid collision.

2. **Steering and Sailing Rules**

A. **Application**

Rules in this section apply to any condition of visibility.

B. **Lookout**

Every watercraft shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

C. **Safe Speed**

Every watercraft shall at all times proceed at a safe speed so that the operator can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed the following factors shall be among those taken into account:

(1) By all watercraft:

(a) The state of visibility;

(b) The traffic density including concentrations of any watercraft on the water.

(c) The manageability of the watercraft with special reference to stopping distance and turning ability in the prevailing conditions;

(d) At night, the presence of background light such as from shore lights or from back scatter from her own lights;

(e) The state of wind, water, weather and current, and the proximity of navigational hazards;

(f) The draft in relation to the available depth of water.

2. Additionally, by watercrafts with operational radar:

(a) The characteristics, efficiency and limitations of the radar equipment;

(b) Any constraints imposed by the radar range scale in use;

(c) The effect on radar detection of the sea state, weather and other sources of interference;

(d) The possibility that small watercrafts, ice and other floating objects may not be detected by radar at an adequate range;

(e) The number, location and movement of watercrafts detected by radar;

(f) The more exact assessment of the visibility that may be possible when radar is used to determine the range of watercrafts or other objects in the vicinity.

3. **Risk of Collision**

A. Every watercraft shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

B. Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

C. Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

D. In determining if risk of collision exists the following considerations shall be among those taken into account:

(1) Such risk shall be deemed to exist if the course or compass bearing of an approaching watercraft does not appreciably change.

(2) Such risk may sometimes exist even when an appreciable course or bearing change is evident, particularly when approaching a very large watercraft or a tow or when approaching a watercraft at close range.

4. **Action to Avoid Collision**

A. Any action shall be taken in accordance with the Rules of this Part and, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

B. Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another watercraft observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.

C. If there is sufficient space, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

D. Action taken to avoid collision with another watercraft shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other watercraft is finally past and clear.

**13.09 Sound Level Testing for Marine Engines**

**\***The SAE International “Stationary Sound Level Measurement Procedure for Recreational Motorboats” has been incorporated within section 13.09 of this rule [SAE J2005- JUN2018]. A copy of the SAE standards may be purchased at the following website: [**https://www.sae.org/standards/content/j2005\_201806/**](https://www.sae.org/standards/content/j2005_201806/) **.**

\*\* The SAE International “Exterior operational Sound Level Measurement Procedure for Recreational Motorboats” has been incorporated within section 13.09 of this rule [SAE J34-JUN2018]. A copy of the SAE standards may be purchased at the following website:

[**https://www.sae.org/standards/content/j34\_201806/**](https://www.sae.org/standards/content/j34_201806/) **.**

* 1. **Scope:** This section shall set forth the testing procedures used to measure marine engine noise levels pursuant to 12 M.R.S. §13068-A, subsection 10. This section does not apply to motorboats that are operating in a regatta or race approved by the Commissioner as prescribed within 12 M.R.S. §13068-A subsection 10-C.

A. The Commissioner or a law enforcement office may order the operator or owner of any boat which he or she has articulable suspicion to believe is being operated in a manner which exceeds the decibel limits contained in this section to subject the boat to one or more noise level testing procedures as provided in this section or to inspection of the engine and mechanical systems for violations of this section.

B. A motorboat owner or operator shall allow a motorboat to be inspected and/or subjected to noise level testing procedures if ordered to do so by the Commissioner or the law enforcement officer. This is pursuant to noise level testing authorized by the Commissioner immediately or at the time and location designated by the Commissioner or a law enforcement officer. No person shall operate the motorboat after the time designated until it is subjected to such noise level testing or engine and mechanical system inspection.

C. The Commissioner or a law enforcement officer may prohibit the operator or owner of any motorboat which fails a noise level testing procedure from operating the motorboat until the motorboat successfully passes the procedure. No person shall operate a motorboat contrary to such an order of the Commissioner.

* 1. **Calibration for both Stationary and Operational Testing shall be as follows:**
1. The sound level meter used shall be calibrated using an external field test;
2. Field calibration of the sound level meter shall be made immediately before and after each test sequence;
3. The person performing the field calibration shall record successful completion of the calibration on a noise test report form;
4. An external standard calibration test shall be conducted annually on the sound level meter and the external field test; and
5. A copy of the external standard calibration test form, completed by the person(s) who performed the last external standard calibration, shall be evidence that the sound level meter and the external field test were properly calibrated at the time of the noise level test.

3. **Required Information for Log Sheets Recorded By The Law Enforcement Officer For Both Stationary and Operational Noise Level Testing**

(1) Name, address and date of birth of owner of the motorboat;

(2) Documentation showing proof of identification of the motorboat operator;

(3) Names of officers conducting the test;

(4) Date and time of test;

(5) Location of test site;

(6) Weather conditions;

(7) Water conditions;

(8) Make, model number and color of the motorboat being tested;

(9) Length of the motorboat;

(10) Registration number of the motorboat;

(11) The result of the external field test of the sound level meter; and

(15) Results of each test.

4. **Stationary Sound Level Testing Authorization**

A. The Commissioner or a law enforcement officer may use stationary sound level testing to determine marine engine noise levels for motorboats. Such testing shall be conducted while motorboats are stationary on the water according to **\***Stationary Sound Level Measurement Procedure for Recreational Motorboats [SAE J2005-JUN2018].

B. Noise levels in decibels for stationary sound level testing shall be established for a specific distance between the motorboat tested and the testing device, at levels which correlate with noise levels in decibels, as set forth in 12 M.R.S. §13068, subsection 10.

C. The following instruments shall be used to measure decibel levels of marine engines and motors:

(1) A precision sound level meter that conforms to the specifications of ANSI S1.4, as referred to within **\***SAE J2005-JUN2018; and

(2) An external field test, such as a sound level calibrator.

5. **Testing Procedure for Stationary Testing**

A. The ambient sound level, including wind effects, due to noise sources other than the motorboat being tested, shall be measured immediately prior to the test sequence. The value shall be recorded;

B. The temperature, humidity and wind speed shall be recorded, using the current values available and reported by the National Weather Service at the nearest observation station to the site;

C. The law enforcement officer conducting the noise level test, shall record, on a log sheet the information listed within section 13.03, subsection 3.

6. **Operational Noise Level Testing Procedure Authorization:**

A. The Commissioner or a law enforcement officer may use operational sound level testing to determine marine engine noise levels for motorboats being operated. Such testing shall be conducted while motorboats are being operated on the water according to **\*\***Exterior Sound Level Measurement Procedure for Recreational Motorboats [SAE J34-JUN2018].

B. This section shall set forth the testing procedures used to measure marine engine noise levels, under an operational noise level testing procedure pursuant to 12 M.R.S. §13068, subsection 10.

C. The following instruments shall be used to measure decibel levels of marine engines and motors:

1. A precision sound level meter that conforms to the specifications of ANSI S1.4 as referred to within **\*\***SAE J2005-JUN2018; and
2. An external field test, such as a sound level calibrator.

7. **Testing Procedure for Operational Testing**

1. The test site shall be located on a calm body of water that is large enough to allow the motorboat to pass-by at full speed, as designated by the division;
2. The area around the test site shall be free of large obstructions, such as buildings, boats, hills, large piers and breakwater walls, for a minimum distance of 100 feet;
3. The test course shall consist of 3 small buoys, in a straight line;
4. The test motorboat shall be positioned parallel to the test course, at a distance of 50 feet from the center buoy of the course;
5. The bow and stern of a test boat shall be secured to moorings;
6. A law enforcement officer shall stay on board each motorboat tested to verify that the boat was operated at maximum speed, pursuant I. below, for 2 of the pass-bys;
7. The ambient sound level, including wind effects, due to noise sources other than the motorboat being tested, shall be measured immediately prior to the test sequence. The value shall be recorded;
8. The temperature, humidity and wind speed shall be recorded, using the current values available and reported by the National Weather Service at the nearest observation station to the site;
9. The test shall consist of 4 passes along the test course of 3 buoys, at a distance of 1 to 3 feet from the buoys. The direction of travel shall be reversed between each run. The first 2 runs shall be at the motorboat's half throttle cruising speed, and the other 2 runs shall be at full throttle;
10. During each test, all radio equipment shall be switched off. A law enforcement officer shall hold the sound level meter 5 to 6 feet above the water with the microphone inclined approximately 70 degrees off horizontal, facing the center buoy of the test course. The results of each run shall be recorded by a law enforcement officer in the test motorboat;
11. Each meter reading shall be obtained while the motorboat is within the boundaries of the test course, at the highest sound level for each speed;
12. All values obtained pursuant to (k) above shall be recorded, however, the sound level shall be the average of the 2 readings, rounded down to the nearest whole number; and
13. The law enforcement officer conducting the noise level test shall record, on a log sheet the information listed within section 13.03.

**13.10** **Motorboat race event**

1. **Permit application requirements to hold a motorboat race.** In accordance with 12 M.R.S. §13061 a complete application must be submitted to the Department for review and an approved permit must be received prior to the event taking place. The permit application requires the following information be provided:
	1. A description of the proposed course, which shall be appropriately sized and mapped in a location so as not to impede other boating access to the waterbody. The course must be a minimum distance of 300 feet from shore and any loon nesting site locations;
	2. A map of the course showing any possible safety hazards and loon nesting sites (safety hazards may include docks, sunken logs, ledges or other objects) within or adjacent to the course area shall be submitted along with the application. The map shall be evaluated for consistency with the intent of this chapter to protect public safety, biological resources, damage to property, environment and wildlife and prevent navigational interference. The application shall include resources for the applicant to research loon nesting locations. The Department will review the map and accept, modify or reject the proposed course consistent with the objectives of this rule to protect public safety and wildlife;
	3. A minimum of two spotters, at least 18 years of age whose names must be provided within the application and assigned for human and wildlife safety;
	4. Names of at least one certified aquatic plant inspector endorsed by MDEP within the last five years who shall be present and conducting inspections during the event. Aquatic inspection reports shall be completed during the event and provided to the department within 30 days after the event;
	5. The name of at least one trained emergency responder who must be on scene for the duration of the event to respond to any possible emergencies;
	6. The name(s) and phone number(s) of a designated representative(s) who will serve as the event overseer and be present on site during the entire event; and
	7. The person in charge of a proposed motorboat race event shall give notice of the intent to apply for a permit to municipal officers of the municipality or municipalities in which the race will occur, in writing at least 60 days prior to the event.
2. **Requirements to hold a motorboat race.** A person conducting or participating in a motorboat race event under the authority of a permit provided in accordance with 12 M.R.S. §13061 shall take reasonable measures to safeguard persons, property, the environment, and wildlife which include:
	1. All event officials and participants must have successfully completed a National Association of Safe Boating Law Administrators (NASBLA) approved boating safety course and must have proof available for inspection by any agent of the Commissioner upon request;
	2. During any motorboat race event permitted in accordance with these rules the officials conducting it shall conspicuously display one or more orange warning flags of a size not less than 4 feet by 4 feet while the event is in progress. The officials shall remove the warning flag or flags for reasonable periods of time during the event to allow nonparticipating watercraft to pass through the area;
	3. A roster of all event participants must be available during the event and kept at the event location for inspection by any agent of the Commissioner upon request;
	4. A copy of the event permit and event rules shall be made available to all participants in advance and posted conspicuously at the event site;
	5. A minimum of one trained aquatic plant inspector, that have participated in aquatic plant inspection training endorsed by MDEP within the last five years shall conduct aquatic plant inspections of each boat immediately before an event participant launches prior to the event and for a second time after the boat is retrieved from the water immediately after the conclusion of the event for that participant;
	6. The spotters must be on the lookout during the entirety of the race for intrusions into the course area from boats, people, wildlife or other hazards. The spotter will have the ability to communicate to race participants and officials and is expected to halt the race until the risk to the participants, bystanders or wildlife (including but not limited to loons) is eliminated;
	7. The participant roster, aquatic inspection report and human or wildlife safety report (noting incidents related to human or wildlife safety) must be submitted within 30 days after the event, to the Department; and
	8. All participant boats must be specifically identified in a plainly visible manner.

**13.11 Boat regatta, non-motorized boat race, boat exhibition or water-ski exhibition**

1. **Permit application requirements to hold a boat regatta, non-motorized boat race, boat exhibition or water-ski exhibition.** In accordance with 12 M.R.S. §13061 a complete application must be submitted to the Department for review and an approved permit must be received prior to the event taking place. The permit application requires the following information be provided:
2. A description of the proposed course, which shall be appropriately sized and mapped in a location so as not to impede other boating access to the waterbody. A map of the course shall be submitted along with the application; and
3. The name(s) and phone number(s) of a designated representative(s) who will serve as the event overseer and who must be present on site during the entire event.
4. **Requirements to hold a boat regatta, non-motorized boat race, boat exhibition or water-ski exhibition.** A person conducting or participating in a boat regatta, non-motorized boat race, boat exhibition or water-ski exhibition event under the authority of a permit provided in accordance with 12 M.R.S. §13061 shall take reasonable measures to safeguard persons, property, and wildlife which include:
5. At a minimum, names of one trained aquatic plant inspector that have participated in an aquatic plant inspection training endorsed by MDEP within the last five years who shall be present and conducting inspections during the event. Aquatic inspection reports shall be completed during the event and provided to the department within 30 days after the event;
6. A minimum of two spotters, at least 18 years of age whose names must be provided within the application and assigned for human and wildlife safety. The spotters must be on the lookout during the entirety of the race for intrusions into the course area from boats, people, wildlife or other hazards. The spotter will have the ability to communicate to race participants and officials and is expected to halt the race until the risk to the participants, bystanders or wildlife (including but not limited to loons) is eliminated.
7. The aquatic inspection report must be submitted within 30 days after the event, to the Department;
8. A copy of the event permit and event rules shall be made available to all participants in advance and posted conspicuously at the event launch site; and

e. The name(s) and phone number(s) of a designated representative(s) who will serve as the event overseer and be present on site during the entire event.

1. **Exemption:** Water-ski exhibitions held in association with a youth camp conducted for instructional purposes and not for public viewing, shall be exempt from the requirements within this section.
	1. **Event Conditions and restrictions (for all boat events described within 13.10 and 13.11 of this rule)**

a. The Commissioner has the authority to place reasonable conditions on any event to assure that appropriate measures are taken to protect public safety, biological resources, protect against damage to property, the environment and wildlife and to prevent navigational interference.

b. The Commissioner may deny a permit to prevent conflict with other uses.

c. The Commissioner may revoke a permit issued or refuse to issue a permit to a person or group that violates a condition or restriction placed on a permit or may disallow the participation of an individual who violates a condition or restriction placed on a permit issued.

d. The department will notify the person or group of any denial, revocation, or suspension in writing, which shall inform that person or group of the reasons for the department’s decision.

e. Any person or group whose application for an event or individual participation in an event has been denied, suspended or revoked, may request an appeal hearing before the department. The request for a hearing under this paragraph must be submitted to the department, in writing within 30 days of receipt of the notice of denial, revocation or suspension.

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 August 10, 1985 - Section 08(B)(3)

 November 3, 1985 - Section 05(C) & (E)

 July 30, 1986 - Section 08(B)(2)

 August 12, 1987 - Section 02(D)

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 August 2, 1988 - Section 08(B)(3)

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 March 11, 2002 - Section 06(C)

 April 11, 2004 - Section 08(B)(3)(dd, ee), filing 2004-114

 June 9, 2004 - Section 08(B)(1)(dd), filing 2004-196

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MINOR CORRECTION

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