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Great Pond Task Force Preliminary Recommendations* For Public Comment, 1996

Maine State Planning Office

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August 13, 1996

**Great Pond Task Force
Preliminary Recommendations*
For Public Comment**

(* These preliminary recommendations will be presented to the public in a series of public meetings in August and September. These draft recommendations were approved by the Great Pond Task Force at their meeting of July 11, 1996. The Great Pond Task Force will have an opportunity to revise and fine tune these recommendations based upon public comment before submitting them to Governor King and the Legislature in January 1997.)

Written comments concerning these preliminary recommendations may be sent by September 30, 1996 to: Great Pond Task Force, State Planning Office, Station # 38, Augusta, ME 04333, or Fax: 207\287-8059.

For information about the Great Pond Task Force contact Hank Tyler at the above address, or call 207\287-1489.

Watercraft Issues

Sound

1. The State of Maine shall establish a maximum sound level of 82 dB @ 50 feet as measured on the A scale for motorized watercraft

Explanation:

Existing Situation Unacceptable noise levels created by sound from watercraft are sources of complaints from the public. Current Maine law does not establish a specific and enforceable maximum sound limit for watercraft. 82 dB is approximately equal to a pneumatic drill at 50 feet.

Expected Public Benefits An established sound maximum will give Law Enforcement Officers measurable standards to enforce. Maine's boating industry will benefit from specific sound standards.

2. The State of Maine shall not allow tampering with or modifying the exhaust or muffler system of a watercraft that would result in an increased sound (decibels) from the watercraft.

Explanation:

Existing Situation Maine's boating law does not address the issue of altering or tampering with mufflers on motorboats.

Expected Public Benefit: Tampering with or altering muffler systems on motorboats will become a prohibited act.

Horsepower & Watercraft Criteria

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Explanation:

Existing Situation Maine's boating law does not address the issue of altering or tampering with mufflers on motorboats.

Expected Public Benefit: Tampering with or altering muffler systems on motorboats will become a prohibited act.

Horsepower & Watercraft Criteria

3. The State of Maine shall expand the criteria to consider horsepower and/or watercraft type limitations to include the following: 1) environmental concerns, 2) wildlife values, 3) sound, 4) aesthetics, 5) speed, 6) traditional use, and 7) Statewide Great Pond Classification (being drafted by the Great Pond Task Force).

Explanation:

Existing Situation Citizens may petition the Commissioner of the Department of Inland Fisheries and Wildlife to reduce horsepower on Great Ponds. Currently, the Commissioner may consider only the following criteria: 1) area of the Great Pond, 2) the use of the Great Pond, 3) the depth of the Great Pond, 4) amount of water-borne traffic to insure the safety of persons and property.

Expected Public Benefit Expanded criteria will give the State of Maine a more comprehensive approach and greater flexibility in considering management actions which address other values of public concern. The public will benefit because the State will be better able to identify and separate conflicting uses.

Horsepower Limitations

4. The State of Maine shall limit horsepower and the type of motorized watercraft used on certain Great Ponds which are larger than 200 acres. Categories which identify these Great Ponds as special should include but are not limited to: 1) remoteness or undisturbed nature, 2) wildlife values, 3) history of traditional uses, and 4) special biological and geological characteristics. Exception to this may be allowed through a petition to the Commissioner of the Department of Inland Fisheries and Wildlife based upon safety, sound, speed, aesthetics, fisheries, wildlife and environmental considerations.

Some examples of these Great Ponds are:

<u>County</u>	<u>Great Pond</u>	<u>Size(acres)</u>	
Aroostook	Deboullie Lake	262	
Aroostook	Gardner Lake	288	
Piscataquis	First Debsconeag	320	
Piscataquis	Second Debsconeag	189	
Piscataquis	Third Debsconeag		1011
Piscataquis	Fourth Debsconeag	227	
Piscataquis	Lobster Lake	3475	
Piscataquis	Nahmakanta	1024	
Piscataquis	Nesourdnehunk Lake	1394	
Penobscot	Katahdin Lake	717	
Somerset	Pierce Pond		1650
Somerset	Enchanted Pond	330	
Somerset	Holeb Pond	1055	
Somerset	Attean Pond		2745
Somerset	Penobscot Lake		1162
Somerset	Bald Mountain Pond		1152

Explanation:

Existing Situation The State of Maine has placed horsepower restrictions on 15 Great Ponds that are 200 acres or greater. These include a selected number of Great Ponds that are recognized for their outstanding scenery, geological features, and biological characteristics that merit protection from high speed and high horsepower watercraft.

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Expected Public Benefit Quiet waters will be established on a few Great Ponds over 200 acres.

5. The State of Maine shall limit horsepower used on Great Ponds of 200 acres or less to a maximum of 10. This limitation applies to Personal Watercraft. Exception to this may be allowed through a petition to the Commissioner of the Department of Inland Fisheries and Wildlife based upon safety, sound, speed, aesthetics, fisheries, wildlife and environmental considerations.

Explanation:

Existing Situation The State of Maine has placed horsepower restrictions on 65 Great Ponds 200 acres or less. Currently, the Department of Inland Fisheries and Wildlife, which has the authority to regulate watercraft use on inland waters, addresses the issue of horsepower restriction, on a case by case basis, which is driven by a citizen petition process.

Expected Public Benefit Limiting horsepower to a maximum of 10 on Great Ponds 200 acres or less will reduce conflicting uses on water bodies that are shallow and sensitive to disturbance.

Vendor Licensing

6. The State of Maine shall establish a licensing program for vendors who rent recreational motorized watercraft including Personal Watercraft. The purpose of a licensing program is to promote a direct linkage with boating instructional programs and educational and law enforcement officers of the State of Maine.

Vendors who rent motorized watercraft including Personal Watercraft shall be required to give educational materials and a brief instructional program which has been approved by the Department of Inland Fisheries & Wildlife.

Explanation:

Existing Situation There are no licensing requirements for renting motorized watercraft to the public.

Expected Public Benefit Boating safety will be increased by establishing a direct link between the Department of Inland Fisheries and Wildlife (Maine Warden Service) and vendors who rent watercraft to the general public. Information about safety and boating courtesy will flow more directly from the Department of Inland Fisheries and Wildlife to businesses who rent boats. This program will promote an environment in which businesses will assume some responsibility for educating their customers about Maine's boating laws, customs and courtesy. The Maine boating industry will benefit by offering better services to the public.

Funding

7. The State of Maine shall establish a Watercraft Enforcement Fund for the enforcement of watercraft laws by Harbor Masters.

Explanation

Existing Situation There is no State funding to support Harbor Masters.

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Explanation

Existing Situation There is no State funding to support Harbor Masters.

Expected Public Benefit Harbor Masters are municipally established law enforcement officers. Boating safety and courtesy will be improved by focusing dedicated funds specifically to the attention of watercraft operation education and enforcement of laws. Maine's boating industry will grow and prosper with more courteous and safer boating.

Education

8. The State of Maine shall require mandatory water safety education for the ages of 12 to 16 to operate motorized watercraft of 10 horsepower or greater. The State of Maine will monitor the status of educational requirement of the other New England states so that Maine can up-date its educational requirements to be consistent with the other New England states.

Explanation:

Existing Situation No safety education is required to operate motorized watercraft in Maine.

Throughout the United States, states are considering a wide array of educational requirements and programs focused at operators of motorized watercraft. The State of Maine will monitor the other five New England State's educational requirements and programs so that Maine can strive to have similar or comparable educational efforts. Because boating business is closely tied to the outdoor recreational business, Maine will need to operate similar educational programs as the other New England States. Because travel, especially tourist travel, is now very common among the New England States, there is a need to have uniform and reciprocal educational standards, programs and recognition of educational courses.

Expected Public Benefit Public safety will be increased by requiring minors of ages 12 to 16 to take watercraft educational courses. Maine's boating industry will benefit by enhanced boating instructional programs.

9. The Department of Inland Fisheries and Wildlife shall assign the task of Surface-Use (Watercraft) Coordinator to a Warden to develop and implement a program to train and certify Harbor Masters to assist the Maine Warden Service in the enforcement of surface use and boating laws. This task shall be funded by the Dedicated Watercraft Fund.

Explanation:

Existing Situation There is no formal educational link between the Maine Warden Service and Harbor Masters

Expected Public Benefit Public boating safety will be increased by establishing a formal educational linkage between the Maine Warden Service and Harbor Masters. This educational linkage will facilitate an enhanced and efficient working relationship between the Maine Warden Service and Harbor Masters. Maine's boating industry will benefit from improved education programs coordinated with State educational efforts.

10. The State of Maine shall develop and promote an official Code of Conduct for safe and courteous boating.

Explanation:

Existing Situation The State of Maine does not have an official Boating Code of Conduct which describes practices for safe and courteous boating.

Expected Public Benefit Public safety will be enhanced by the State of Maine promoting a voluntary

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Enforcement

11. The State of Maine shall increase the fine for violations of Maine law by operators of Watercraft. The suggested language is: "A current violation of law concerning the operation of watercraft shall be a violation with a forfeiture of not less than \$100 or more than \$500 shall be adjudged, this forfeiture not to be suspended.

Explanation:

Existing Situation Judges have discretion to suspend fines against the operators of watercraft who have violated Maine law.

Expected Public Benefit Consistent prosecution of persons issued summons to Maine District Courts for violations of Maine law while operating watercraft will have the public benefit of sending a strong message that Maine is serious about dealing with operators of watercraft who violate Maine's boating law.

Personal Watercraft

12. The State of Maine shall increase the "water safety zone" for the operation of Personal Watercraft to 300 feet.

Explanation

Existing Situation The water safety zone for all boats is 200 feet.

Expected Public Benefit Conflicts will be reduced by requiring that Personal Watercraft operate at high speed only when they are 300 feet from the shoreline. Public safety will be increased by this measure, and public annoyance will be reduced by requiring them to operate further off-shore.

13. The State of Maine shall increase the minimum age to operate a Personal Watercraft on State waters to 16 years of age.

Explanation:

Existing Situation The minimum age to operate a Personal Watercraft is 12.

Expected Public Benefit Public safety will be increased by increasing the age at which minors can operate Personal Watercraft from 12 to 16. Boating conflicts will be reduced by removing this younger, inexperienced age group from operating on Maine's waters.

14. The State of Maine shall not allow "wake jumping" while operating a Personal Watercraft.

Explanation:

Existing Situation "Wake Jumping" is allowed in Maine.

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Explanation:

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Expected Public Benefit Prohibiting wake jumping will improve public safety. Conflicts on Maine waters created by the use of Personal Watercraft will be reduced by prohibiting “wake jumping”. Noise created by Personal Watercraft will be reduced. Public safety will be increased by increasing the distance between operating watercraft and Personal Watercraft that are in use.

15. In the State of Maine , “Personal Watercraft” means any watercraft 14 feet in length or less, using an inboard motor powering a jet pump as its primary source of power, and designed to accommodate persons sitting, standing or kneeling on the watercraft.

Explanation:

Existing Situation Personal Watercraft are defined as 13 feet in length.

Expected Public Benefit Conflicts created by Personal Watercraft are expected to be reduced by the adoption of a current Personal Watercraft definition.

16. In the State of Maine, Personal Watercraft shall display an educational decal (approved by the Department of Inland Fisheries and Wildlife and the Great Pond Task Force) which the operator will have a clear view of when operating the Personal Watercraft.

Explanation:

Existing Situation There are no requirements for Personal Watercraft to display educational materials.

Expected Public Benefit Personal Watercraft operators will have awareness of improved safe and courteous operating procedures

17. In the State of Maine, Personal Watercraft are prohibited in Great Ponds entirely within the Unorganized Townships, unless specifically allowed by the Land Use Regulation Commission.

Existing Situation: There are no prohibitions on the use of Personal Watercraft on Great Ponds in Unorganized Townships.

Expected Public Benefit Important public natural resource values such as fisheries, wildlife, remote recreational camping and traditional use-will be maintained in the Unorganized Townships

Safety

18. In the State of Maine, no person shall operate a watercraft without utilizing the safety features provided by the manufacturer.

Explanation:

Existing Situation Operators of motorized watercraft are not required to utilize safety features on watercraft.

Expected Public Benefit Public safety will be increased by requiring operators and passengers of motorized watercraft to utilize safety equipment in the watercraft. This equipment includes automatic cut-off on motors if the operator falls overboard.

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Navigational Aids

19. The State of Maine shall grant limited liability to incorporated lake associations or other incorporated associations for placing navigational aid markers in Great Ponds.

Explanation:

Existing Situation Lake Associations are often reluctant to voluntarily place navigational aids in Great Ponds because of the fear of liability exposure.

Expected Public Benefit Safe boating will be enhanced on lakes where Lake Associations are willing on a voluntary basis to place navigational aids. Granting this liability exemption to Lake Associations and other associations will enable the organizations to volunteer their services to assist the State of Maine.

Boat Registration Fee

20. The State of Maine shall increase the boat registration fee to fund law enforcement efforts and other lake protection issues. The existing \$4 fee shall be increased to \$12 to \$15.

Explanation:

Existing Situation The annual cost for registering a motorized watercraft in Maine is \$4.00.

Expected Public Benefit Public safety will be increased by increased and enhanced law enforcement efforts that the Maine Warden Service and Harbor Masters will be able to undertake as a result of this user-fee increase.

Water Quality Issues

Lakes At Risk

21. The State of Maine shall endorse the concept of establishing a listing of Great Ponds Most at Risk to Development based upon: 1) public water supply, 2) vulnerability to development, and 3) impaired water quality.

Explanation:

Existing Situation: The Department of Environmental Protection's Storm Water Program requires an official listing of lakes and ponds whose water quality is at risk from run-off from land development sites within the lake watershed.

Expected Public Benefit An official listing of Great Ponds at risk will aid water quality protection efforts by the State of Maine. The Department of Environmental Protection's Storm Water Program will use this listing in their effort to reduce pollution run-off. Lake Associations and municipal planning boards will use this listing to help reduce water pollution.

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Public Water Supplies

22. The State of Maine shall recognize that there are numerous Great Ponds that need to be afforded the greatest level of protection within the lake watershed to protect public water supplies to maintain the lake water quality as a source of drinking water supply for future generations.

Explanation:

Existing Situation Forty-nine Great Ponds are used as public water supplies.

Expected Public Benefit Great Ponds serve as public water supplies and provide drinking water to over 250,000 Maine citizens. Recognition of these public water supply lakes will ensure that there are strong protection measures in place to protect the shoreline and maintain good water quality..

23. The State of Maine shall pronounce that the special and primary use of public water supply shall be for the special purpose of supplying drinking water to the public. State government resources from all departments shall receive a priority for the protection of these Great Ponds to afford the greatest level of environmental and public health protection within lake watersheds.

Explanation:

Existing Situation Five State agencies operate programs affecting Great Ponds.

Expected Public Benefit Maine citizens will save money by vigorously protecting the water quality of Maine's drinking water supplies. A uniform and cooperative approach by State agencies to protect drinking water quality may avoid having to spend millions of dollars on filtration plants to bring and maintain water quality to federal standards.

24. . The State of Maine shall increase the no trespass zone around the in-takes to a public water supply to 1,000 feet. A process establishing agreements for existing uses within 1,000 feet of an existing in-take shall be developed.

Explanation:

Existing Situation The no-trespass distance is now 200 feet.

Expected Public Benefit Greater protection will be afforded to public drinking water supplies by reducing the risk of contamination. Unnecessary expenses will be avoided by increasing protection measures to the State's public drinking water supplies.

25. The State of Maine shall design all new, and retrofit all existing public, boat launching sites located on Great Ponds that serve as a public water supply to afford the greatest level of protection with the watershed.

Explanation:

Existing Situation Boat launching facilities that are located in lakes that serve as drinking water supplies, and pose a threat to drinking water quality

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Explanation:

Existing Situation The no-trespass distance is now 200 feet.

Expected Public Benefit Greater protection will be afforded to public drinking water supplies by reducing the risk of contamination. Unnecessary expenses will be avoided by increasing protection measures to the State's public drinking water supplies.

25. The State of Maine shall design all new, and retrofit all existing public, boat launching sites located on Great Ponds that serve as a public water supply to afford the greatest level of protection with the watershed.

Explanation:

Existing Situation Boat launching facilities that are located in lakes that serve as drinking water supplies, and pose a threat to drinking water quality

Expected Public Benefit Water quality will be protected, and high cost of filtration may be avoided by improving existing boat launching facilities located in drinking water supply lakes. Public water supplies will be protected by taking precautionary measures on the shores of lakes that serve as drinking water supplies.

Lakes Program

26. The Department of Environmental Protection shall reestablish the Lakes Program with minimum staffing of seven. One focus of the Lakes Program shall be on linking private and public efforts, and to hire a State Lakes Education Coordinator.

Explanation:

Existing Situation For many years the Department of Environmental Protection (DEP) had a very successful Lakes Program that focused on water quality protection. In the early 1990's the Lakes Program was administratively broken up and the staff reassigned within the Department of Environmental Protection. The State of Maine presently lacks a focused program for lake water quality protection.

Expected Public Benefit The people of the State of Maine and Maine's Great Ponds will benefit from a Lakes Program focused on shoreline and water quality protection. The Lakes Program will work with lake associations, town officials, and individual shoreland owners to protect lake shoreland, lake watersheds, and lake water quality. The Maine real estate industry will benefit from State efforts to reduce lake water pollution which detracts from shoreland property values.

The DEP currently has 2.8 staff positions working on lake related issues. It is proposed that an additional 4.2 new staffing positions be added. One of these new positions would be a State Lakes Education Coordinator.

27. The State of Maine shall establish a Priority Watershed Program (PWP) which will focus on the control of nonpoint sources of pollution of Maine's Great Ponds.

Explanation:

Existing Situation The State of Maine lacks a specific lake water quality protection effort focused on specific watersheds. The proposed Priority Watershed Program would focus protection efforts on specific watersheds and would identify specific actions to be undertaken.

Expected Public Benefit Lake water quality efforts would be improved by the establishment of a Priority Watershed Program. Water quality protection efforts would be focused on those watersheds with the greatest need of attention. The Maine real estate industry will benefit from State efforts to improve water quality on lakes with sewer water pollution problems.

28. The Department of Environmental Protection shall establish a Lake Protection Program with a minimum staffing of two including one staff within the Shoreland Zoning Office. The Lake Protection Program will have the following functions:

- A. Assure compliance with laws protecting water quality.
- B. Review and recommend modifications to existing lake protection regulations and, if appropriate, recommend new standards in consultation with municipalities, DEP's Shoreland Zoning Office and the Lakes Program.
- C. Coordinate and improve cooperation with local CEOs.

Explanation:

Existing Situation The Department of Environmental Protection currently lacks sufficient

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Explanation:

Existing Situation The Department of Environmental Protection currently lacks sufficient

staff devoted to protecting the water quality of Maine 5,000 Great Ponds which cover about 1,000,000 acres.

Expected Public Benefit Protection of Maine's lake waters will be enhanced by the establishment of a specific program focused on lakes water quality protection. One staff person will be focused on Shoreland Zoning efforts. This new position is needed to replace Shoreland Zoning staffing that has been lost in recent years. The second new position would focus specifically on the legal and administrative aspects of water quality protection efforts.

Funding

29. The State of Maine shall establish a Maine Lakes Heritage Fund within Maine State government to support monitoring, restoration, research and educational efforts. Possible funding sources for the Fund are: 1) a portion of the gas tax, 2) one time fee for passive watercraft, 3) real-estate transfer tax, 4) license plate, 5) affinity card, 6) tax check-off.

Explanation:

Existing Situation There is no specific fund in Maine State Government dedicated specifically to water quality issues.

Expected Public Benefit Water quality issues will be funded on a more regular basis once the Maine Lakes Heritage Fund is created and sources of funding identified.

30. The State of Maine shall allocate penalties levied by DEP for violations of law (NRPA, water discharge, shoreland) to the Maine Lakes Heritage Fund.

Explanation:

Existing Situation Fines for violation of Maine environmental laws go directly to the General Fund.

Expected Public Benefit Fines for violations of environmental laws dealing with Great Ponds will be paid into the Maine Lake Heritage Fund, and those monies used to improve water quality.

31. The State of Maine shall establish an education and certification program for earth-moving contractors.

Explanation:

Existing Situation There is no educational program specifically designed for earth-moving contractors who undertake working in the shoreland zone of Great Ponds.

Expected Public Benefit: Great Pond water quality will be improved because earth-moving contractors will have an enhanced understanding of physical and biological issues concerning lake shoreline. Code Enforcement Officers and earth-moving contractors will have a common understanding of Maine laws designed to protect Great Ponds shorelines and hence water quality. Maine's real estate businesses will benefit by higher quality workmanship on shoreline properties.

Exotics

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Exotics

32. The State of Maine shall recognize that nuisance exotic aquatic plants and animals are threats to Great Pond water quality. Therefore, it is recommended that the State of Maine and the Maine Marine Trade Association develop and implement an educational program to reduce the potential of introducing exotic aquatic plants and animals into Maine's Great Ponds.

Explanation:

Existing Situation The potential exists for nuisance exotic aquatic plants and animals to invade some of Maine's Great Ponds, resulting in lower water quality.

Expected Public Benefit Maine's native flora and fauna in Great Ponds will be protected from encroachment or replacement by nuisance exotics.

Administrative Issues

Code Enforcement Officers' Certificate Revocation

33. The State of Maine shall develop an administrative procedure for revoking a Code Enforcement Officer's certification when there are documented cases of the CEO failing to carry out his/her authority to enforce existing laws.

Explanation:

Existing Situation A Code Enforcement Officers' Certificate may be removed only by a judicial procedure.

Expected Public Benefit An administrative procedure to revoke a Code Enforcement Officer's Certificate when the Code Enforcement Officer has failed to carry out his/her duty to enforce existing laws will benefit the public by providing a prompt and fair process of decertifying Code Enforcement Officers who are not enforcing existing environmental laws.

Expansion of Code Enforcement Office's Activities on Lakes at Risk

34. The State of Maine shall develop a matching grant program to provide funding for expansion of CEO lake protection activities in municipalities where Great Ponds are at risk.

Explanation:

Existing Situation Code Enforcement Officers play a key role in shoreland and water quality issues at the local level.

Expected Public Benefit Water quality protection will be enhanced for lakes at risk by providing more funds to Code Enforcement Officers in those towns with lakes at risk. This will lead to enhanced efforts focused at water quality protection.

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Great Pond Advisory Committee

35. The State of Maine shall establish an on-going statewide committee to oversee the long-term protection of Maine's Great Ponds. Duties of this citizen committee would include implementation of the Great Pond Strategic Management Plan, administer the Maine Lake Heritage Fund, advise the Department of Inland fisheries and Wildlife on revising boating laws and boating educational materials, establishing watercraft policy and rules for Great Ponds, and preparing and distributing a quarterly newsletter.

Explanation:

Existing Situation There is no standing citizen advisory committee whose duties are focused on Great Pond policy issues.

Expected Public Benefit Maine government will be able to more efficiently carry out policy development and implementation with a citizen advisory committee focused solely on Great Pond policy issues.

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1. The State of Maine shall establish a maximum sound level of 82 dB @ 50 feet as measured on the A scale for motorized watercraft

Explanation:

Existing Situation High sound volume (amplitude) and high pitch (frequency) sound from watercraft, especially Personal Watercraft, are source of complains from the public. Maine law does not establish a specific maximum sound limit for watercraft. 82 dB is approximately equal to XXXXXXXXXX . Many motor boats operating at full throttle create sound levels just below 82 dB.

Expected Public Benefits An established sound maximum will give Law Enforcement Officers measurable standards to enforce. Enforcement of these standards will eliminate only the noisiest boats from Maine waters. However, this sound standard will not solve the problem caused by the high pitch sound created by Personal Watercraft, or the cumulative high volume sound produced by several boats operating in a confined area.

Excessive sound levels from boat engines noise may occur when the craft are operated at high speed close to shore, when the trim angle of the drive is set so that the exhaust outlet is close or above the water's surface, and/or the outboards are incorrectly mounted on the watercraft.

2. The issue of mandatory educational requirements for the operators of motorized watercraft was referred to the Education Working Group.
(Meeting of 1/11/96).

3. The issue of operator's licensing was dropped from discussion.
(Meeting of 1/11/96).

4. The issue of age requirements for the operation of motorized watercraft was referred back to the Surface Use Working Group.
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- 1. It is recommended that: No person shall operate a Personal Watercraft on a lake or pond less than 200 acres in size, with the exception of uses allowed through a petition to the Commissioner of the Department of Inland Fisheries and Wildlife based upon safety, sound, speed, aesthetics, fisheries, wildlife and environmental considerations.**

 - 2. It is recommended that: No person shall jump wakes” while operating a personal watercraft on waters in the State of Maine.**

 - 3. It is recommended that: No person shall tamper with or modify the exhaust or muffler system of a Personal Watercraft that would result in an increased sound (decibels) from the Personal Watercraft.**

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