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PATRICK KELIHER
COMMISSIONER

Senator David E. Dutremble
Representative Michael A. Shaw
Committee on Inland Fisheries and Wildlife
100 State House Station
Augusta, ME 04333

April 4, 2013

Dear Senator Dutremble and Representative Shaw:

The Department of Marine Resources appreciates the opportunity to provide comment on L.D. 203 An Act to Require Kayakers on Open Salt Water to Use a Personal Flotation Device.

Maine Marine Patrol promotes safe boating practices, and certainly encourages the use of Personal Flotation Devices (PFDs) by all recreational boaters. Wearing a PFD is one of the most important steps a boater can take to ensure their safety on the water. According to US Coast Guard statistics, drowning is the cause of 70% of all fatal boating accidents, and of those that drowned, 84% were not wearing a life jacket. In Maine and other cold water states, hypothermia is also a major contributing factor to fatalities. PFDs can help boaters stay alive longer in cold water by helping them to float without using energy, and protecting part of the body from cold water. In worse case scenarios, PFDs help with the recovery of individuals who have suffered boating accidents.

In preparation for this bill, Maine Marine Patrol conducted an informal survey with law enforcement agencies in other cold-water states, and received information from Alaska, Washington and Oregon. In Washington and Alaska, there is no law requiring mandatory use of a Personal Flotation Device (PFD) for adults in sea kayaks or canoes on any waters, whether fresh, tidal or salt. In Oregon, there is no requirement on flat water, but paddlers on whitewater (Class III or above) are required to wear PFDs.

However, all three states require children age twelve and under to wear a PFD on any vessel (Alaska also specifies that this is outside the cabin of a vessel). This requirement includes sea kayaks and canoes.

Should you move forward with this proposal, it will be necessary to clarify the waters on which the use of a PFD is required, as "coastal waters" as defined in 12 MRS §6001 may be a better term than "internal waters" as the bill as drafted uses. We can provide a specific suggestion for your Work Session if requested.

Sincerely,


Patrick Keliher
Commissioner

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