

**Town of Naples**

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**MARINE SAFETY DIVISION ENFORCEMENT ORDINANCE**

**M.R.S.A Title 12 Chapter 935 ss13056-A thru 13068-A & 13071-A**

**M.R.S.A Title 12 Chapter 905 ss10402 & 10403 Chapter 909 ss10657**

**M.R.S.A Title 12 Chapter 220 Subchapter 10 ss1900**

**M.R.S.A Title 38 Chapter 1 ss1-13**

**Section 1. Title**

This Ordinance shall be known as the Town of Naples Marine Division Enforcement Ordinance (the “Ordinance”).

**Section 2. Authority.**

This Ordinance is enacted in accordance with Town of Naples Marine Division Ordinance and Title 12 M.R.S.A. Chapter 905 ss10402-10403, Chapter 935 ss13072-13073 & ss13056-A thru 13068-A, Title 38 Chapter 1 ss1-13, as may be amended.

**Section 3. Purpose.**

The purpose of this Ordinance is to:

- I. Establish the roles and definitions of enforcement of local ordinance and state watercraft laws as defined in Title 12 M.R.S.A Chapter 905 ss10402-10403, Chapter 935 ss13056-A thru 13068-A & Chapter 220 ss1900
- II. Provide the best protection for the health, safety, property and welfare of the residence and visiting public of the Town and surrounding municipalities.

**Section 4. Establishment.**

There is hereby established the Naples Marine Safety Division shall have due authority to enforce the state watercraft laws per Town of Naples Ordinance as defined in M.R.S.A Title 12 Chapter 905 ss10402-10403 & Chapter 935 ss13056-A thru 13068-A.

**Section 5. Definitions.**

For the purposes of this Ordinance, the following terms shall be defined as follows:

- 5.1** “Department”, “Unit”, “Division” means the Naples Marine Safety Division established pursuant to the Town of Naples Marine Safety Division Ordinance.
- 5.2** “Harbor Master (HM)” means the person whether it be full-time or part-time duly appointed pursuant to the Town of Naples Marine Safety Division Ordinance and who serves as the head of the Division.
- 5.3** “Deputy Harbor Master (DHM)” means an active unit member(s) appointed by the Harbor Master whether it be full-time, part-time or on-call volunteer to fulfill the duties and responsibilities assigned to them by the Harbor Master or Assistant.
- 5.5** “Marine Patrol/Safety Officer(s) (MPO)” means an active unit member(s) appointed by the Harbor Master whether it be full-time, part-time or on-call volunteer to fulfill duties and responsibilities assigned to them.
- 5.6** “Town” means the Town of Naples
- 5.7** “CCUCS” Cumberland County Unified Court System means the statutory prosecuting court authority for the State of Maine and the County of Cumberland. This will primarily be located at the Bridgton District Court (Bridgton, Maine) but could also be located at the Portland Unified Court (Portland, Maine)
- 5.8** “Jurisdictional Response Areas (JRA)” established areas of jurisdictional authority and response. Areas or Jurisdictional Authority include but not limited to (Long Lake, Brandy Pond, Songo River, Crooked River, North End of Sebago Lake, Muddy River, Bay of Sebago, Bay of Naples and Tricky Pond. (JRA) may also include areas in mutual aid or MOU jurisdictions.
- 5.9** “M.R.S.A. means Maine Revised Statutes Annotated. Rule or governing law as established by the Maine Legislative government.
- 5.10** “Fine/Fee Schedule” means assessed monetary fee’s to include but not limited to ordinance ticketing fines, court costs, inspections, mooring regulations and any other associated costs in the collection of a violation that has occurred or fees set forth by the Town of Naples Select board associated for Marine Safety and enforcement.

- 5.11** “Reasonable Suspicion” means there is a reasonable presumption that a violation/crime has been, is being or will be committed. It is a belief based on facts or circumstances and is informed by the enforcement official’s training and experience. Reasonable suspicion is seen as more than a guess or a hunch but is less than Probable Cause.
- 5.12** “Probable Cause” means there is logical belief, supported by facts and circumstances that a violation/crime has been, is being or will be committed.
- 5.13** “Watercraft” means any boat or other vessel that travels by manual, wind or motor power in the water. Any vessel may include but is not limited to motorboat, Personal Watercraft (PWC) canoe, kayak, paddleboard, log rafts or sailing vessel operated by skilled or an unskilled person.
- "Personal watercraft" (PWC) means any motorized watercraft that is 14 feet or less in hull length as manufactured, has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position.
- "Personal watercraft" includes, but is not limited to, a jetski, wet bike, surf jet and miniature speedboat.
- "Personal watercraft" also includes motorized watercraft whose operation is controlled by a water skier.
- "Personal watercraft" does not include a motorized watercraft that does not have a horsepower rating greater than 15 horsepower and does not generate an unreasonable amount of noise.
- 5.14** "Camping area" means, in addition to the generally accepted interpretations, lakeshore places, picnic and lunch grounds or other premises where tents or recreational vehicles are permitted and licensed under Title 22, section 2495.
- 5.15** "Developed swim area" means an area delineated by line buoys in accordance with the aids to navigation system established pursuant to section 1894. Title 12 chapter 220 ss 1894
- 5.16** "Qualified entity" means a camping area, recreational camp or governmental entity or governmentally sponsored group.
- 5.17** "Recreational camp" means day camps, boys and girls camps and family, hunting, fishing and similar camps licensed under Title 22, section 2495.
- 5.18** "Swim line" means a line, rope or a series of buoys used to delineate an area of surface water for the purpose of swimming.

- 5.19** “Bathing Area” means an area designated for swimming but is undesignated/permitted and is not specifically designated by “Swim Line” Bathing Areas are traditionally near the shore line access and would not exceed the water safety zone.
- 5.20** "Water safety zone" means the area of water within 200 feet of shoreline, whether the shoreline of the mainland or of an island.
- 5.21** “Director” means Director of Bureau of Parks and Land for the State of Maine Department of Conservation
- 5.22** “Town Attorney” means legal counsel under contract and hire by the Town of Naples for any and all legal matters pertaining to Town of Naples business.
- 5.23** “Civil Trespass” means an written order prohibiting entry or a property or location owned by the Town of Naples for a given/specified period of time.
- 5.24** “Aquatic Structure: Residential/Commercial Swim Platform”: a **dock** that floats on the water and can be partly submerged or moored to the lake/pond floor to permit entry of a person or persons for recreational swimming activities or sunbathing.

## **Section 6. Division Organization and Duties.**

### **6.1 Duties of the Division**

**6.1.1** The Division shall provide Marine related response, enforcement and education within the jurisdictional response areas of the Town of Naples and elsewhere as provided by Mutual Aid or other contractual agreements approved by the Board of Selectpersons.

**6.1.2** Division members shall be authorized to issue and write summons/citations/USACs in the event of a violation of Town Ordinance or State Law. All criminal activity cases will be referred to the Maine Warden Service or Cumberland County Sheriff’s Office.

**6.1.3** Marine Division Unit members are sworn officers by the Town and have similar but limited authority to act as Town Constables.

**6.1.4** The Division shall work to assist and enforce Invasive Aquatic Species Plants inspections per the Town of Naples Invasive Aquatic Plant Survey Ordinance. Effective June 09, 2018

**6.1.5** The Division shall work to and assist and enforce the Town of Naples Shoreland Zoning Ordinance Aquatic Structures section 15 (Land Use Structures) Section C (Aquatic Structures).

## **6.2** Powers and Duties.

**6.2.1** The Harbor Master shall have the duties established by Title 12 M.R.S.A. Chapter 905 ss10402-10403, Chapter 935 ss13072-13073, Chapter 909 ss10657 & Title 38 Chapter 1 ss1-13, as may be amended.

**6.2.2** The Harbor Master or his/her designee listed as Deputy Harbor Master or Marine Safety/Patrol Officer who have met training and certification requirements with State of Maine guidelines in accordance with Title 12 & Title 38 requirements and those who have been given sworn authorities action by the Town of Naples and the Town of Harbor Master may issue watercraft violation ticket/summons as directed by this ordinance.

**6.2.3** The Harbor Master authorized by the Principal Municipal administrative officer of the Town of Naples has been sworn as a Municipal Agent to issue Civil Trespass Violations on municipal property in the event of needed action in accordance with Title 12 Chapter 909 ss10657. Any trespass order of criminal complaint the case will be referred to the Cumberland County Sheriff's Office.

**6.2.4** The Harbor Master or his/her designee listed as Deputy Harbor Master or Marine Patrol Officer do not have powers of arrest or the ability to file charges of Criminal Complaint. ANY and ALL Civil Violations that warrant Criminal Citation or Criminal Complaint matters shall be referred to the Maine Inland Fish and Wildlife Agency or the Cumberland County Sheriff's Office for charges beyond Civil Infraction.

### **6.2.5 Rule violations; watercraft**

The following penalties apply to violations of rules regarding watercraft.

**1. Civil.** Notwithstanding section 10650, a person who violates a rule regarding watercraft commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**2. Criminal.** A person who violates a rule regarding watercraft after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Section 7. Title 12 Chapter 935 ss13056-A thru 13068-A & 13071-A “Enforceable Violations”****7.1 Launching contaminated watercraft.**

A person may not place a watercraft that is contaminated with an invasive aquatic plant upon the inland waters of the State.

**A.** A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$5,000 per violation may be adjudged. A fine imposed under this subsection may not be suspended by the court.

**B.** A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**7.2 Unlawfully permitting operation by another.**

A person may not permit operation of a watercraft in violation of this subsection.

**A.** A person violates this subsection if that person owns a watercraft and negligently permits another person to operate that watercraft in violation of this chapter.

(1) A person who violates this paragraph commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this paragraph after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**B.** A person violates this subsection if that person is the parent or guardian responsible for the care of a minor under 18 years of age and the minor operates a personal watercraft in violation of this chapter.

(1) A person who violates this paragraph commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this paragraph after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**7.3 Operating motorboat other than personal watercraft while underage.**

A person under 12 years of age may not operate a motorboat propelled by machinery of more than 10 horsepower unless under the immediate supervision of a person located in the motorboat who is at least 16 years of age.

This subsection does not apply to operating a personal watercraft.

**A.** A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**B.** A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

#### **7.4 Operating watercraft without proper safety equipment.**

Except as provided in paragraph B, a person may not operate a watercraft without proper safety equipment as described in paragraph A.

**A.** A person operates a watercraft without proper safety equipment if the person operates a watercraft that requires safety equipment to be worn and:

(1) Fails to comply with the same requirements pertaining to lights, life-saving devices, fire extinguishers and other safety equipment as required by federal laws and regulations on federal navigable waters, as promulgated under the Federal Boat Safety Act of 1971, Public Law 92-75, as amended;

(2) Fails to comply with requirements pertaining to additional equipment not in conflict with federal navigation laws, which the commissioner may prescribe if there is a demonstrated need;

(3) Fails to wear a Coast Guard approved Type I, Type II, Type III or Type V personal flotation device while operating a watercraft.

**B.** Notwithstanding paragraph A:

(1) Canoes, owned by a youth camp located upon internal waters in the State and duly licensed by the Department of Health and Human Services and utilized by campers under the direction and supervision of a youth camp counselor at least 18 years of age or older during training and instruction periods on waters adjacent to the main location of the youth camp within a distance of 500 feet from the shoreline of that camp, are exempt from this subsection; and

(2) Log rafts, carrying not more than 2 persons and used on ponds or lakes or internal waters of less than 50 acres in area, are exempt from carrying personal flotation devices.

**C.** The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime

#### **7.5 Imprudent operation of watercraft.**

A person may not, while operating a watercraft on the inland or coastal waters of the State, engage in prolonged circling, informal racing, wake jumping, or other types of continued and repeated activities that harass another person.

**A.** This subsection may be enforced by any law enforcement officer or a person may bring a private nuisance action for a violation of this subsection pursuant to Title 17, section 2802.

**B.** The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

## **7.6 Operating watercraft to molest wild animals or wild birds.**

A person may not operate a watercraft so as to pursue, molest, harass, drive or herd any wild animal or wild bird, except as may be permitted during the open season on that animal.

**A.** A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**B.** A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

## **7.7 Operating motorboat that exceeds noise limits.**

The following provisions govern noise limits.

**A.** A person may not operate a motorboat in such a manner as to exceed:

(1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or

(2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner.

**B.** The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$300 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**C.** This subsection does not apply to motorboats that are operating in a regatta or race approved by the commissioner under section 13061.

## **7.8 Operating motorboat without muffler.**

A person may not operate a motorboat that is not equipped at all times with an effective and suitable muffling device on its engine or engines to effectively deaden or muffle the noise of the

exhaust, except that motorboats that are operating in a regatta or race approved by the commissioner under section 13061 may use cutouts for these motorboats while on trial runs or competing in speed events, for a period not to exceed 48 hours immediately preceding or following such an authorized event.

**A.** The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

### **7.9 Tampering with motorboat muffler system.**

A person may not modify a motorboat muffler system in any way that results in an increase in the decibels of sound emitted by that motorboat.

**A.** A person who violates this subsection commits a civil violation for which a fine not to exceed \$100 may be adjudged.

**B.** A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

*(\*Tampering- "Modifying" muffler system as to increase sound and performance of the motor above/beyond allowable decibel limit threshold as listed in Section 7.7)*

### **7.10 Headway speed only.**

The following provisions govern speeds in certain zones.

**A.** A person may not operate a watercraft at a speed greater than headway speed while within the water safety zone or within a marina or an approved anchorage in coastal or inland waters except:

(1) While actively fishing; or *(This rule applies for commercial fishing only in coastal waters, This rule does not apply to inland waters)*

(2) While picking up or dropping off one or more persons on water skis in the water safety zone if a reasonably direct course is taken through the water safety zone between the point that the skiers are picked up or dropped off and the outer boundary of the water safety zone.

**B.** For the purposes of this subsection, "headway speed" means the minimum speed necessary to maintain steerage and control of the watercraft while the watercraft is moving.

**C.** The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

#### **7.11 Operating motorboat in bathing areas.**

The following provisions apply to operating a motorboat in a bathing area.

**A.** A person may not:

- (1) Operate a motorboat within a bathing area marked or buoyed for bathing; or
- (2) Operate an airmobile on a beach adjacent to a bathing area marked or buoyed for bathing.

**B.** The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.
- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

#### **7.12 Violation of surface use restriction order.**

A person may not operate, launch or remove a watercraft at a restricted-access site or refuse inspection of a watercraft in violation of an order issued under Title 38, section 1864.

**A.** A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$5,000 per violation may be adjudged. A fine imposed under this subsection may not be suspended by the court.

**B.** A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

#### **7.13 Operating motorboat in prohibited or restricted area.**

The following provisions apply to operating a motorboat in prohibited or restricted areas.

**A.** A person may not:

- (1) Operate a personal watercraft in violation of section 685-C, subsection 10 or any rule adopted by the Maine Land Use Planning Commission to implement that subsection;
- (2) Operate a watercraft equipped with a motor greater than 10 horsepower on Cold Rain Pond in the Town of Naples or on Holt Pond in the Town of Naples and the Town of Bridgton;

**B.** The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

### **Operating personal watercraft**

- 7.14 1. Operating personal watercraft while underage.** A person under 16 years of age may not operate a personal watercraft.
- A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.
  - B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.
- 2. Additional safety requirements while operating personal watercraft.** The following provisions apply to operating or being a passenger on a personal watercraft.
- A. A person may not:
    - (1) Operate or be a passenger on a personal watercraft unless the person is wearing Coast Guard approved Type I, Type II or Type III personal flotation devices; or
    - (2) Operate a personal watercraft during the hours between sunset and sunrise.
  - B. The following penalties apply to violations of this subsection.
    - (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.
    - (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.
- 3. Operating rented or leased personal watercraft without identification decal.** A person may not operate a rented or leased personal watercraft on Brandy Pond in the Town of Naples or on Long Lake in the Town of Naples, the Town of Bridgton and the Town of Harrison that does not have a clearly visible decal affixed to the personal watercraft that identifies the rental agent.
- A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.
  - B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.
- 4. Operating personal watercraft in prohibited area.** The following provisions apply to operating a watercraft in prohibited areas.
- A. A person may not operate a personal watercraft on:
    - (1) Trickey Pond in the Town of Naples in Cumberland County;
    - (2) Brandy Pond in the Town of Naples in Cumberland County between sunset and 9:00 a.m.
  - B. The following penalties apply to violations of this subsection.
    - (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.
    - (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.
- 5. Operating personal watercraft while 16 years of age or older and under 18 years of age; boater education.** The following provisions apply to operating a personal watercraft by a person 16 years of age or older and under 18 years of age.

**A.** A person 16 years of age or older and under 18 years of age may not operate a personal watercraft unless:

(1) That person is accompanied by a person 18 years of age or older who physically occupies the personal watercraft; or

(2) While operating the personal watercraft, that person possesses on that person identification showing proof of age and proof of successful completion of a boater safety education course approved by a national association of state boating law administrators, including but not limited to courses offered by the U.S. Coast Guard Auxiliary or other organizations approved by the commissioner for providing boater safety education courses. The commissioner shall establish a list of approved organizations for providing boater safety education courses and make that list readily available to the public.

**B.** The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

#### **7.15 Certificate of number for motorboats carrying passengers for hire**

**1. Certificate required.** A person may not operate a motorboat carrying passengers for hire without a certificate of number as required under this section.

**A.** A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**B.** A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**2. Application.** Before a motorboat may carry passengers for hire, the owner of the motorboat shall apply for and obtain from the commissioner a certificate of number authorizing its use for that purpose. This section applies to all motorboats carrying passengers for hire as defined in section 13001, subsection 17, except those subject to federal inspection requirements that have or are required to have a current valid federal inspection certificate on board.

**3. Issuance.** Before the certificate of number required under subsection 1 is issued, the owner shall satisfy the commissioner that the boat is safe to operate and will be maintained in safe condition.

**4. Examinations.** The commissioner may cause a motorboat carrying passengers for hire to be examined from time to time.

#### **7.16 Operator's requirements to carry passengers for hire with a motorboat**

**1. Prohibition.** A person may not operate a motorboat carrying passengers for hire without having successfully completed a boater safety education course approved by a national association of state boating law administrators and approved by the commissioner. A person operating a motorboat carrying passengers for hire shall provide proof of having successfully completed a course under this subsection when requested by the commissioner or the commissioner's agent. For purposes of this section, "carrying passengers for hire" means receiving remuneration to carry passengers in a motorboat from one predetermined point to another predetermined point on inland waters.

**A.** A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**B.** A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**2. Requirement.** Every operator of a motorboat, other than a licensed Maine guide certified in watercraft safety, carrying passengers for hire, except those operators who have been issued and have or are required to have in their possession a current valid federal operator's license, shall show proof of having successfully completed an approved boater safety education course in accordance with subsection 1 upon request of the commissioner or the commissioner's agent.

#### **7.17 Certificate of number for motorboats rented or leased**

**1. Certificate of number required.** Before any motorboat is rented or leased, the owner of the motorboat shall obtain a certificate of number from the commissioner under section 13056.

**2. Penalty.** The following penalties apply to violations of this section.

**A.** A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**B.** A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

#### **7.18 Personal watercraft rental agent certificate**

**1. Prohibition.** A person may not rent or lease a personal watercraft in violation of this section. This subsection does not apply to:

**A.** A campground licensed by the Department of Health and Human Services that offers the personal watercraft owned by that campground exclusively for use by campground clientele;

**B.** A commercial sporting camp. For the purposes of this subsection, "commercial sporting camp" means a business consisting of primitive lodging facilities that offers the public the opportunity to pursue primitive hunting, fishing, boating or snowmobiling activities;

**C.** A person lawfully engaged in guiding activities under section 12853 who accompanies others on guided trips that include the use of personal watercraft; or

**D.** A property owner who offers a person renting or leasing that property the use of a personal watercraft registered to the property owner.

**1-A. Penalty.** The following penalties apply to violations of subsection 1.

**A.** A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**B.** A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**2. Registration and issuance.** Except as provided in this section, a person or business may not rent or lease a personal watercraft unless that person or business:

**A.** Registers with the department as a personal watercraft rental agent and is issued a personal watercraft rental and leasing agent certificate from the commissioner;

**B.** Obtains a Maine certificate of number for each personal watercraft being offered for rent or lease in the name of the person or business holding a personal watercraft rental and leasing agent certificate; and

**C.** Provides each person who rents or leases a personal watercraft with written instructions on how to operate the personal watercraft.

**3. Fee.** The fee for a personal watercraft rental and leasing agent certificate is \$25. The certificate is valid from January 1st to December 31st.

**4. Revocation of certificate.** The commissioner may revoke a personal watercraft rental and leasing agent certificate issued pursuant to subsection 2 if the commissioner determines that the certificate holder:

**A.** Rented or leased a personal watercraft that was unsafe;

**B.** Failed to instruct a person intending to rent or lease a personal watercraft on personal watercraft safety.

The department shall provide each certificate holder with written materials and instructional guidelines on personal watercraft safety that the certificate holder shall review with each personal watercraft renter or lessor before that person operates that personal watercraft.

#### **7.19 Temporary registration certificate**

**1. Twenty-day certificate.** The commissioner may issue temporary registration certificates to a registered dealer, who may, upon the sale or exchange of a boat, issue a temporary registration certificate to a new owner in order to allow the new owner to operate the boat for a period of 20 consecutive days after the date of sale in lieu of a permanent number as required by this chapter. The fee for each temporary registration certificate is \$1.

**2. Penalty.** A person who operates a boat with an expired temporary registration certificate commits a civil violation for which a fine of not less than \$50 nor more than \$250 may be adjudged.

#### **7.20 Waste water discharge in inland waters**

**1. Prohibition.** A person may not launch a watercraft into or operate a watercraft on inland waters when that watercraft has a marine toilet, shower or sink unless:

**A.** The waste water from the toilet, shower or sink is fed directly into a holding tank; and

**B.** The holding tank for sanitary waste water is not in any way connected to any through-hull fittings.

**2. Penalty.** The following penalties apply to violations of this section.

**A.** A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**B.** A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

#### **7.21 Certificate of number, identification numbers and validation stickers**

**1-A. Operating without certificate of number.** Except as provided in paragraph A, a person may not operate or give permission to operate a motorboat requiring a certificate of number without a current certificate of number or a current temporary certificate of number. Only the certificate of number or temporary certificate of number as issued by the commissioner is valid. A facsimile or copy of the certificate is not valid.

**A.** The certificate of number for a watercraft less than 26 feet in length and leased or rented to another for the latter's noncommercial use may be retained on shore by the owner of the watercraft or the owner's representative at the place where the watercraft departs or returns to the possession of the owner or the owner's representative, as long as the person leasing or renting the watercraft has a copy of the lease or rental agreement that shows the watercraft number thereon and the period of time for which the watercraft is leased or rented and that is signed by the owner or the owner's representative.

**B.** The following penalties apply to violations of this subsection.

**(1)** A person who violates this subsection commits a civil violation for which a fine of not less than \$200 nor more than \$500 may be adjudged.

**(2)** A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**1-B. Operating without identification number and validation stickers.** A person may not operate or give permission to operate a motorboat without the identification number and validation stickers, assigned by the commissioner and authorized by this chapter, displayed on each side of the bow in accordance with subsection 12, paragraphs A and B or section 13059, subsection 4.

**A.** A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**B.** A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**2. Motorboats requiring.** Except as provided in this subsection, the owner of a motorboat, including an airmobile, used on the waters of the State as the state of principal use shall obtain a certificate of number for the motorboat from the commissioner. No certificate of number may be issued unless the owner submits proof that the watercraft excise tax, assessed under Title 36, chapter 112, has been paid or that the boat is exempt from the watercraft excise tax. The following motorboats are exempt from this subsection:

**A.** A watercraft that has or is required to have a valid marine document as a watercraft of the United States;

**B.** A motorboat already covered by a current certificate of number issued under a federally approved numbering system of another state or a federal law, as long as the number so issued is displayed on the motorboat and as long as the motorboat has not been within this State for a period in excess of 60 consecutive days after the state of principal use has been changed;

**C.** Military or public watercraft, except recreational type watercraft of the United States;

**D.** A motorboat whose owner is the United States, a state or subdivision thereof that is used for governmental purposes and is clearly identifiable as such;

**E.** A ship's lifeboat;

**F.** A motorboat from a country other than the United States, as long as the motorboat has not been within this State for a period in excess of 60 consecutive days;

**G.** A motorboat used exclusively for racing purposes that displays on its hull in a prominent manner a valid boat number issued by a recognized racing association; and

**H.** A motorboat participating in an event as permitted by section 13061.

**3. Other watercraft may be numbered.** Nothing in this section prohibits the numbering of any watercraft upon the request of the owner. The owner shall comply with all applicable requirements of this chapter if the owner chooses to number a watercraft.

**4. Application.** The owner of a motorboat requiring or of a watercraft for which the owner wishes to request a certificate of number shall make application to the commissioner on forms approved by the commissioner. The application must show the legal residence of the applicant and the place where the watercraft is situated.

**5. Issuance.** Upon receipt of the approved application with the proper fee, the commissioner shall enter the application upon the office records and issue the applicant a pocket-sized certificate of number stating:

**A.** The number assigned to the motorboat;

**B.** Its description;

**C.** The name and address of the owner; and

**D.** Such other information as the commissioner deems appropriate.

The holder of any certificate of number issued under this chapter may obtain a duplicate validation sticker from the commissioner upon application and payment of the fee set forth in subsection 8.

**6. Certificate of number; term.** A certificate of number is issued to the owner of a watercraft or a dealer for a specific calendar year and is valid through December 31st of the year for which it was issued.

**7. Numbers permanent.** A number once awarded under this chapter to a motorboat remains with that boat until the boat is destroyed, abandoned, permanently removed or no longer principally used in this State, except that numbers that have been inactive for at least 7 years may be reissued by the division.

**8. Fees.** The fees for each original or renewal certificate of number with 2 validation stickers are set out in this subsection.

**A.** For a watercraft requiring or whose owner requests a certificate of number and that is equipped with a motor having a manufacturer's horsepower rating of:

(1) Ten horsepower or less, the fee is \$25 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State;

(2) Greater than 10, but not more than 50 horsepower, the fee is \$30 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State; and

(3) Greater than 50 horsepower but not more than 115 horsepower, the fee is \$36 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State.

**B.** For a personal watercraft requiring or whose owner requests a certificate of number and watercraft equipped with a motor having a manufacturer's horsepower rating of 115 horsepower or greater, the fee is \$44 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State.

**C.** For a duplicate certificate of number, the fee is \$1.

**D.** For a duplicate validation sticker (per set), the fee is \$1.

**E.** For a certificate of number issued with transfer of ownership authorized in subsection 10, the fee is \$2. Validation stickers are nontransferable.

**9. Renewal.** The owner may renew the owner's certificate of number at expiration by stating the old number in the owner's application and paying the fee prescribed in subsection 8. The fee is the same fee the owner would pay for the original issuance.

**10. Transfer of ownership.** Whoever transfers ownership of a motorboat for which a certificate of number has already been issued under this chapter and applies for a certificate of number for another motorboat is entitled to a new certificate of number upon payment of a transfer fee of \$4 as set forth in subsection 8, paragraph E, provided the applicant returns to the commissioner the old certificate of number properly signed and executed, showing that ownership of the motorboat has been transferred.

**11. New ownership.** If there is a change of ownership of a motorboat for which a certificate of number has previously been issued under this chapter, the new owner shall apply for a new certificate of number and set forth the original boat number in the application. The new owner shall pay the regular fee for the particular motorboat involved and is not entitled to the special transfer fee set forth in subsection 10.

**12. Requirements.** The following provisions establish requirements for certificates of number, identification numbers and validation stickers.

**A.** The operator shall have the certificate of number available for inspection on the motorboat for which it was issued whenever the motorboat is in operation.

**B.** A person may not operate or give permission to operate a motorboat unless the identification number and validation stickers assigned by the commissioner and authorized by this chapter are displayed on each side of the bow of the boat in the following manner:

(1) The identification numbers must be painted or permanently attached to the bow and be of a color that is in contrast to the color of the background so as to provide the highest degree of visibility, i.e., dark numbers on a light background or vice versa, and be plainly visible;

(2) The identification number must be displayed in 3 parts. The prefix, which is the initial letters ME, designating the State of Maine, must be separated by a hyphen or space equal to the width of a letter, other than the letter "I," from the numerals that follow it. The suffix, which consists of the

ending letter or letters which appear after the numerals, must be likewise separated from the numerals;

(3) The identification number must be displayed to read from left to right, of good proportion, with vertical block character capital letters and Arabic numerals, all of which must be not less than 3 inches in height and maintained in a legible condition at all times;

(4) No number other than the assigned boat number may be displayed on the bow of such a motorboat; and

(5) The validation sticker, as issued by the division, must be displayed approximately 3 inches behind the last letter of the identification number and on a level with the number on both sides of the bow viz.: ME-123-A.

C. The owner of a certificate of number terminated or invalidated under subsection 13 shall return it within 10 days of the termination or invalidation.

D. The owner of a watercraft that has been issued a certificate of number shall notify the commissioner in writing within 10 days of:

(1) The transfer of all or any part of the owner's interest, other than the creation of a security interest, in the watercraft covered by the certificate;

(2) The permanent removal of the watercraft from the State;

(3) The destruction or abandonment of the watercraft;

(4) The theft or recovery of the watercraft; or

(5) Any change in the owner's address.

E. Upon sale or transfer of ownership of a registered watercraft, the owner or dealer shall remove and destroy any validation stickers on the craft.

F. The person whose name appears on the certificate of number as the owner of a watercraft shall remove the number and validation stickers from the craft when:

(1) The watercraft is documented;

(2) The watercraft is no longer used principally in the State;

(3) The application for a certificate of number contains false or fraudulent statements or information; or

(4) The fees for issuance of a certificate of number are not paid.

**12-A. Violation of requirements; penalty.** The following penalties apply to violations of subsection 12.

A. A person who violates subsection 12 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates subsection 12 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**13. Termination of certificate of number.** Under any of the following conditions, the certificate of number issued by the commissioner is terminated or invalidated:

A. Transfer of the watercraft;

B. Documentation of the watercraft;

C. Change in state of principal use of the watercraft;

D. Permanent removal of the watercraft from the State;

E. Abandonment or destruction of the watercraft;

F. False or fraudulent information on the application for the certificate of number;

G. Failure to pay the required fee for the certificate of number; or

H. Involuntary loss of interest in the watercraft due to legal process.

The transfer of a partial interest that does not affect the original owner's right to operate the watercraft does not terminate or invalidate the certificate of number.

## 7.22 Lake and river protection sticker required

**1. Prohibition.** A person exempt from the certificate of number requirement pursuant to section 13056, subsection 2, paragraph B may not place or operate a motorboat, personal watercraft or seaplane on the inland waters of the State unless a valid lake and river protection sticker issued annually under subsection 3 is permanently affixed to:

**A.** Each side of the bow of a motorboat or personal watercraft above the water line and approximately 3 inches behind the validation sticker required under section 13056; and

**B.** Each outside edge of a seaplane's pontoons so that the entire sticker is visible above the water line when the seaplane is resting on the water.

This sticker is nontransferable.

**2. Violation.** A person who violates subsection 1 is subject to the provisions of this subsection.

**A.** A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 and not more than \$250 per violation may be adjudged. A fine imposed under this subsection may not be suspended by the court.

**B.** A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**2-A. Class E crime.** A person who violates subsection 1 after having been adjudicated of having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**3. Nonresident motorboat and personal watercraft lake and river protection sticker and resident and nonresident seaplane lake and river protection sticker; fee.** No later than January 1st of each year, the commissioner shall provide the agents authorized to register watercraft or issue licenses with a sufficient quantity of lake and river protection stickers for motorboats and personal watercraft not registered in the State and for all seaplanes, whether or not registered in the State, for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft or to each outside edge of a seaplane's pontoons. The fee for a sticker issued under this subsection is \$20, \$1 of which is retained by the agent who sold the sticker. (Fee schedule subject to change without notice). All fees in accordance with this rule shall align with the State of Maine fee schedule).

The remainder of the fee is disposed as follows:

**A.** Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and

**B.** Twenty percent must be credited to the Lake and River Protection Fund established within the department under section 10257.

A motorboat, personal watercraft or seaplane owned by the Federal Government, a state government or a municipality is exempt from the fee established in this subsection.

The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this section.

## 7.23 Prevention of the spread of invasive aquatic plants

**1. Prohibition.** A person may not:

- A.** Transport any aquatic plant or parts of any aquatic plant, including roots, rhizomes, stems, leaves or seeds, on the outside of a vehicle, boat, personal watercraft, boat trailer or other equipment on a public road;
        - B.** Possess, import, cultivate, transport or distribute any invasive aquatic plant or parts of any invasive aquatic plant, including roots, rhizomes, stems, leaves or seeds, in a manner that could cause the plant to get into any state waters;
        - C.** After September 1, 2000, sell or offer for sale in this State any invasive aquatic plant; or
        - D.** Fail to remove any aquatic plant or parts of any aquatic plant, including roots, rhizomes, stems, leaves or seeds, from the outside of a vehicle, boat, personal watercraft, boat trailer or other equipment on a public road.
- 2.** **Penalty.** A person who violates this section commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged for the first violation and a forfeiture not to exceed \$2,500 may be adjudged for a subsequent violation.

#### **7.24 Dealer's certificate of number**

- 1. Application.** Notwithstanding section 13056, subsection 2, a manufacturer or dealer of new or used motorboats who has a permanent place of business in this State for the manufacture or sale of motorboats may, instead of obtaining a certificate of number for each motorboat owned by the manufacturer or dealer, make application on forms provided by the commissioner for a dealer's certificate of number.
- 2. Issuance.** If the manufacturer or dealer making application under subsection 1 satisfies the commissioner that the applicant is qualified for a dealer's certificate of number, the commissioner shall issue the applicant a dealer's certificate of number containing the place of business of the applicant and a general distinguishing number in such form as determined by the commissioner.
- 3. Fee.** The fee for a dealer's certificate of number is \$17 annually from each January 1st.
- 4. Restrictions.** The dealer or manufacturer who receives a dealer's certificate of number pursuant to this section shall display the number and validation stickers issued under the dealer's certificate of number on a motorboat being demonstrated or tested. The dealer or manufacturer may transfer the number from one motorboat owned by that dealer or manufacturer to another motorboat owned by that dealer or manufacturer by temporarily attaching removable plates on which a dealer's number and validation stickers may be displayed on the bow of any boat covered by the dealer's certificate of number.
- 5. Penalty.** The following penalties apply to violations of subsection 4.
  - A.** A person who violates subsection 4 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.
  - B.** A person who violates subsection 4 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

#### **7.25 Failure to obey orders of Harbor Masters**

- 1. Offense defined.** A person is guilty of failure to obey an order of a Harbor Master if the person intentionally, knowingly or recklessly fails to obey any lawful order of a harbormaster authorized pursuant to this subchapter.
- 2. Penalty.** Failure to obey an order of a harbormaster is a Class E crime.

#### **7.26 Issue of Civil Trespass Orders on/for Municipal Property (Civil Trespass)**

1. **Prohibition.** While engaging in any activity regulated under this Part, a person, knowing that the person is not licensed or privileged to do so, may not:
  - A. Enter or cause a projectile to enter any place from which that person may lawfully be excluded and that is posted in accordance with Title 17-A, section 402, subsection 4 or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; or
  - B. Enter or remain in or cause a projectile to enter or remain in any place in defiance of a lawful order not to enter or an order to vacate that was personally communicated to that person by the owner of the place or another authorized person.
2. **Civil penalties.** The following penalties apply to violations of this section.
  - A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.
  - B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.
3. **Definition.** For the purposes of this section, "projectile" means a bullet, pellet, shot, shell, ball, arrow, bolt or other object propelled or launched from a firearm or a bow, crossbow or similar tensile device.

## **Section 8. Title 12 Chapter 220 Subchapter 10 ss1900 "Swim Areas"**

- 8.1 **Property rights.** Nothing in this subchapter may be construed to affect private property rights or the State's ownership rights over inland waters.
- 8.2 **Swim area prohibition.** A person may not establish or maintain a swim line or a developed swim area without a permit issued under subsection 8.3.
- 8.3 **Issuance of permit; revocation.** The director may issue a permit to establish and maintain a swim line or a developed swim area within the water safety zone only to a qualified entity and only if the swim line or developed swim area is designed solely to provide recreational swimming opportunities for the public.
  - A. If the director determines, after notice and an opportunity for hearing, that a swim line or developed swim area is being used for purposes other than to provide recreational swimming opportunities for the public, the director may revoke the permit.
  - B. If the Commissioner of Inland Fisheries and Wildlife believes that a swim line or a developed swim area is being used for purposes other than to provide recreational swimming opportunities for the public and is interfering with boating or fishing, the commissioner shall notify the director and may request that the permit for the swim line or developed swim area be revoked pursuant to paragraph A. The length of the area delineated by a swim line or of a developed swim area may not exceed 50% of the entire length of the shore frontage of the property from which the developed swim area or the area delineated by a swim line extends or 200 feet, whichever is greater, except that in no event may the developed swim area or the area delineated by a swim line extend beyond

the shore frontage of the property. The length of the developed swim area or of an area delineated by a swim line must be measured parallel to the shore.

- 8.4 Fee; Expiration.** Permits issued under subsection 8.3 expire 5 years after the date of issuance. The Town shall establish by rule a fee for the permits. All revenues from fees must be deposited and used to support the Marine Safety Department.
- 8.5 Enforcement.** A municipally appointed inland harbor master, code enforcement officer or law enforcement officer is primarily responsible for the enforcement of this subchapter.
- 8.6 Rules.** The Town shall adopt rules to implement and carry out the purposes of this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### **Section 9. Title 38 Chapter 1 SubChapter 1 ss3 Mooring Sites: Winter Mooring Ball Removal & Installation Dates**

- 9.1** A harbor master, a code enforcement officer or, in the case of a great pond located in an unorganized territory, a board of county commissioners of the county in which the unorganized territory is located may direct the master or owner of a boat or vessel to remove that person's mooring or floating dock from a great pond if the harbor master, code enforcement officer or the board of county commissioners determines that leaving the mooring or floating dock in during ice-in conditions would create a public safety hazard.
- 9.2** In accordance with the Town of Naples this Marine Division Ordinance, the Town has established December 1<sup>st</sup> as the due date to have all mooring balls removed from the waterways. Failure to remove mooring balls past the December 1<sup>st</sup> due date will result in an ordinance violation and will result in fines issued by the Town. Failure to comply with the removal date or failure to pay fines will result in the loss of mooring privileges.
- 9.3** Moorings may be installed in the spring (Whichever First) beginning April 1<sup>st</sup> OR “Ice Out” date when reported by the State of Maine Department of Conservation.

**Section 10. Court Authority and Appearances****10.1 Court Authority**

This ordinance allows the officers of the Naples Marine Safety Division to act on behalf of the Town of Naples in the Cumberland County Unified Court System as direct representatives of the Town of Naples in specific regards to the enforcement of marine related statutes listed in section

**10.2** The primary court for prosecution of ordinance related matters will be held at the Bridgton District Court located at 3 Chase Street Bridgton, Maine.

**10.3** The Naples Marine Division will set up and hold ~~two~~ court appearance dates for the purpose of any appeals made for any violations written by Marine Safety Division personnel on the Third Tuesday of the month June, July & August and the Third Tuesday of the month Quarterly for the months of September thru November, January thru March and April and May will fall on the June Docket date. In cooperation with the ADA of the Bridgton District Court and Clerk of Courts.

**10.4** The Harbor Master may act as the “Court Officer” for the Unit, however in the event the Harbor Master is unable to attend the court hearings for those cases then the appointed assistant Court officer shall be expected to report to Court and present his/her case for prosecution.

**10.5** Any and all monetary findings/decision made by the Court will be collected and delivered to the Town Clerk at the Naples Town Office unless other arraignments have been made by the Judge hearing the case.

**Section 11. Fees & Fee Schedules**

**11.1** In authorization made by the Town of Naples Board of Selectmen and in accordance with the Naples Marine Enforcement Ordinance and the Naples Shoreland Zoning Ordinance the Town of Naples Marine Safety Division is duly authorized to enforce the collection of fees assessed by the Town of Naples specific to water and shorefront resource management. These fees are reviewed and recommended periodically by the Marine Safety Division and set by the Naples Board of Selectman and may change upon approval and vote thereon. The following fees schedule may include but not limited to the following:

- A. Marine Violations,
- B. Mooring Registration Fees,
- C. Inspection Fees (“New” Moorings & Aquatic Structure Docks, ECT),
- D. Recovery Operations

**Section 12. Supersessions, Severability, Amendments and Adoptions.**

**12.1 Supersession**

This Ordinance supersedes and replaces any or all like or comparable ordinances, policies or decisions previously enacted or adopted by the Town, including or without limitation the implementation policy for Naples Marine Safety, Naples Marine Patrol or Office of the Harbor Master. This Ordinance shall remain in effect unless it is revoked or suspended in accordance with Title 30A Chapter 141 ss3001-3009.

**12.2 Severability.**

The invalidity of any portion of this Ordinance shall not invalidate any other thereof.

**12.3 Amendments.**

This Ordinance may be amended from time to time in accordance with the provisions of Title 30A M.R.S.A. Chapter 141 ss3002, as may be amended. It is recommended the Harbor Master review this Ordinance periodically and consult with the Town Manager as to urgent or necessary amendments.

**12.4 Adoption**

This Ordinance was submitted to the voters of the Town of Naples and shall be effective upon its adoption by regular or special Town Meeting.

Adopted: April 30, 2018

Amended: June 25<sup>th</sup>, 2020

Attest: \_\_\_\_\_  
Judy Whynot, Town Clerk