House
Legislative
Analysis
Section

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone 517/373-6466

MOTORBOATS: RESTRICT NOISE LEVELS

House Bill 4707 as introduced
First Analysis (6-11-87)

Sponsor: Rep. Carl F. Gnodtke
Committee: Marine Affairs and Port Development

THE APPARENT PROBLEM:

The Marine Safety Act of 1967 established noise level limitations for motorboats on inland waters of no more than 86 decibels at 50 feet. In addition, the act prohibited the operation of a motorboat without a working muffler, underwater exhaust, or other modern noise reduction device. Many motorboat enthusiasts have been using devices which increase the power of their motors but which also involve bypassing the boat's muffler, thereby greatly increasing the motor's noise levels. Many people on the state's increasingly crowded inland lakes have complained about the noise from these "cut outs", and have requested legislation to address this problem.

THE CONTENT OF THE BILL:

The bill would amend the Marine Safety Act to prohibit anyone from operating a motorboat with a cut-out, bypass, amplifier, or other similar device, or in a manner that disturbs the peace of others.

MCL 281.1114

FISCAL IMPLICATIONS:

Fiscal information was not available at the time of this analysis. (6-10-87)

ARGUMENTS:

For:

Since the Marine Safety Act was enacted in 1967, recreational use of inland lakes has increased considerably. With more people using these shared waters, the problem of noise has become increasingly acute. Of particular concern to many lake users, both lakeshore owners and other recreational users, has been the practice of some motorboats owners of using devices on their boat motors that increase the motor's power but bypass the muffler, resulting in very high noise levels. The problem has gotten so bad on some lakes that some lakeshore owners have asked to have public landings on their lakes closed because of the early morning noise levels from such devices. Even though the use of such devices leads to illegally high noise levels, people using these devices do so only when law enforcement officials from the Department of Natural Resources are not present, thereby avoiding citations. The bill would correct this situation by outlawing such devices and by further allowing citizens to bring complaints against anyone using such a device under the proposed prohibition against disturbing the peace.

Against:

The bill would prohibit someone from operating a motorboat "in a manner that disturbs the peace of others", which is so vague as to allow unfair harassment of inland lake users, particularly those who do not own lakeshore property. What might disturb one person may well go entirely unnoticed by another. This is a subjective criterion, unlike the 86 decibel limit. In order to safeguard individual freedom this should not be put into law.

Response: We live in community with others and if some people are unwilling to voluntarily respect the rights of others to peaceable enjoyment of shared recreational waters they should be made to do so by force of law. The amendment would encourage citizen participation in policing the noise levels on popular, well-used lakes and discourage the practice of ignoring legal noise levels by avoiding DNR law enforcement officials.

POSITIONS:

The Department of Natural Resources supports the bill. (6-10-87)

The Michigan Lake and Stream Association supports the bill. (6-10-87)

The Portage and Base Lake Association supports the bill. (6-10-87)