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BILL ANALYSIS

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House Bill 4707 (as reported with amendment)**Sponsor:** Representative Carl F. Gnodtke**House Committee:** Marine Affairs and Port Development**Senate Committee:** Natural Resources and Environmental Affairs**Date Completed:** 10-28-87**RATIONALE**

The Marine Safety Act established noise level limitations for motorboats on inland waters of the State of no more than 86 decibels at 50 feet. In addition, the Act prohibits the operation of a motorboat without a working muffler, underwater exhaust, or other modern noise reduction device. Some motorboat operators have been using devices which increase the power output of their motors but which also involve bypassing the boat's muffler, thereby greatly increasing the motor's noise levels. Many people who use or live by the State's increasingly crowded inland lakes have voiced complaints about the noise from these devices, and have requested measures to restrict their use.

CONTENT

The bill would amend the Marine Safety Act to prohibit a person from operating a motorboat on the waters of the State if the boat were equipped with a cut-out, bypass, amplifier, or other similar device, or operating a boat in a manner that disturbed the peace of others. In addition, the bill would remove from the Act a provision that noise level limitations under the Act do not apply to Lake St. Clair between 8 a.m. and sunset.

MCL 281.1114

SENATE COMMITTEE ACTION

The Committee adopted an amendment to the bill that would remove from the Act a provision that noise level limitations under the Act do not apply to Lake St. Clair between 8:00 a.m. and sunset.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

Since the Marine Safety Act was enacted in 1967, recreational use of inland lakes has increased considerably. With more people sharing these waters, the problem of noise pollution has become increasingly acute. Of particular concern to both lakeshore owners and other recreational users has been the practice by some motorboat operators 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 severe 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 this activity 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 the situation by outlawing such devices, by allowing citizens to bring complaints against anyone who was operating his or her boat at an excessively high noise level, and by prohibiting operation of a boat in a manner that would disturb the peace of others.

Opposing Argument

The bill would prohibit someone from operating a motorboat "in a manner that disturbs the peace of others", a description that is so vague that it could potentially allow unfair harassment of inland lake users. Noise that might disturb one person may well go entirely unnoticed by another. This subjective criterion, unlike the 86 decibel limit, could jeopardize individual freedoms and should not be put into law.

Response: If some people cannot 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 law enforcement officials.

Legislative Analyst: B. Baker

Fiscal Analyst: A. Rich

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

H.B. 4707 (10-28-87)