

323 CMR 2.00: THE USE OF VESSELS

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2.01: Purpose

323 CMR 2.00 is intended to promote the protection of public safety and welfare by encouraging voluntary compliance and by deterring and penalizing noncompliance with statutes and regulations concerning boating. The purpose is to enhance the Division of Law Enforcement's ability to efficiently and effectively improve the safe use of motorboats and all vessels, and to effectively administer its programs and accomplish its statutory mandates.

323 CMR 2.00 should be read together with M.G.L. c. 90B which has many important substantive requirements not repeated in 323 CMR 3.00.

2.02: Definitions and Interpretation

CFR means: Code of Federal Regulations.

Dealer means: A person, firm, corporation or entity engaged in the business of buying, selling, or exchanging vessels at an established or permanent place of business in the Commonwealth and that at each such place maintains a sign conspicuously displayed showing the name of the dealership and indicating that vessels may be purchased at such place so that it may be located and identified as a vessel dealer by the public.

Headway speed means the minimum speed at which a vessel may be operated and maintain steerage way, but not to exceed six miles per hour.

Length of a motorboat means: the extreme fore-and-aft measurement in feet and inches over the deck in a straight line parallel to the keel center line from the foremost to the aftermost part of the vessel, excluding sheer, bowsprits, booms, rudders, outboard motor brackets and similar fittings or attachments.

Motorboat, for purposes of M.G.L. c. 90B, §§ 4B, 5, 6, 7, 8, 9, 11, 12 and 12A and regulations thereunder means: Any vessel propelled by machinery whether or not such machinery is the principal source of propulsion and shall include a pleasure vessel which has a valid marine document issued by the United States Bureau of Customs or any federal agency successor thereto. For purposes of M.G.L. c. 90B, §§ 2, 3, 4, and 4A and regulations thereunder "motorboat" means any vessel propelled by machinery whether or not such machinery is the principal source of propulsion but not a vessel which has a valid marine document issued by the United State Bureau of Customs or any federal agency successor thereto.

Nighttime means: that period of time from sunset to sunrise as determined by the chart set forth in 323 CMR 2.00, Appendix 1.

## 2.02: continued

Similar device when used in connection with the words "water skis" and "surfboard" in M.G.L. c. 90B, § 8, means: any object used in the towing of a person or persons by a motorboat whether the person or persons ride on the device or hold onto it.

References herein to any state or federal law shall apply to any such law as amended from time to time.

2.03: Vessel Identification

(1) Number. The first part of the number shall be an abbreviation in capital letters of the Commonwealth of Massachusetts "MS". The remainder of the boat number shall consist of not more than four arabic numerals and not more than two capital letters, in sequence, separated by a hyphen or equivalent. Since the letters "I", "O" and "Q" may be mistaken for arabic numerals, all letter sequences using "I", "O" and "Q" shall be omitted. The bow number shall be spaced: MS 9999 ZZ. Objectionable words formed by the use of two or three letters may not be used.

(2) Limit. There is no limit to the number of boats which may be demonstrated with each demonstration or testing number, pursuant to M.G.L. c. 90B, § 3(b) provided a particular number is displayed on only one vessel at a time. If two or more dealers' or manufacturers' boats are to be demonstrated or tested at the same time, two or more individual dealers' or manufacturers' numbers are required.

(3) Dealers. M.G.L. c. 90B, § 3(b) shall not apply to motorboats owned by a dealer or manufacturer and which are being used for purposes other than testing or demonstrating. Said motorboats shall have permanent numbers.

(4) Decal. In addition to displaying the identification number of a vessel as required by M.G.L. c. 90B, § 3, the owner of a vessel shall display at the end of such number the then current registration decal of the Division of Law Enforcement on port (left) of the vessel within six inches of the final identification number or letter, as the case may be.

For example MS 9999 ZZ [ ], with the [ ] being the decal.

2.04: Application

(1) Number. The application for a number shall include the following:

- (a) name, address and zip code of the applicant/owner;
- (b) date of birth of the owner;
- (c) present permanent residence of the owner;
- (d) home port of the motorboat;
- (e) present number (if any);
- (f) hull material (wood, steel, aluminum, plastic, other);
- (g) types of propulsion (outboard, inboard, other);
- (h) type of fuel (gas, diesel, other);
- (i) length of motorboat;
- (j) make and year built;
- (k) hull identification number;
- (l) statement as to use (Pleasure, Livery, Dealer, Manufacturer, Commercial-Passenger, Commercial-Fishing, Commercial-Other);
- (m) certification of ownership; and
- (n) signature of the owner signed under the pains and penalties of perjury.

(2) Certificate of Number. The certificate of number shall contain the following information:

- (a) name, address and zip code of the owner;
- (b) date of birth of the owner;
- (c) present permanent residence of the owner;
- (d) hull material (wood, steel, aluminum, plastic, other);
- (e) types of propulsion (outboard, inboard, other);
- (f) type of fuel (gas, diesel, other);

2.04: continued

- (g) length of motorboat;
- (h) make and year built (if known);
- (i) statement as to use (Pleasure, Livery, Dealer, Manufacturer, Commercial-Passenger, Commercial-Fishing, Commercial-Other);
- (j) hull identification number;
- (k) number awarded to motorboat;
- (l) expiration date of certificate;
- (m) notice to the owner that he shall report within 15 days changes of ownership or address, and destruction or abandonment of motorboat;
- (n) notice to the owner that the operator shall: always carry the certificate on the motorboat when in use; report every accident involving personal injury or death to a person, or property damage over \$200; stop and render aid or assistance if involved in a boating accident; and
- (o) signature of the owner signed under the pains and penalties of perjury.

The owner of any undocumented motorboat may not have more than one valid number or valid certificate of number for any one motorboat at any time.

2.05: Boating Accidents

(1) Reports. A written report shall be required whenever any one or more of the following occurs on board of or involving any motorboat:

- (a) death of any person from whatever cause;
- (b) disappearance of any person from on board under circumstances which suggest the possibility of death or injury;
- (c) injury to any person; or
- (d) loss or damage to property of any kind, including the motorboat, in an amount equal to or greater than \$500.

(2) Time to File Report. Whenever death or serious injury has or may result from a boating accident a written report shall be submitted to the Director within 48 hours. For every other reportable boating accident, a written report shall be submitted within five days.

(3) Contents. Every written report of a boating accident shall contain the following information:

- (a) numbers and/or names of the vessels involved;
- (b) locality where the accident occurred;
- (c) date and time of the accident;
- (d) weather and water conditions;
- (e) name, address, age and boating experience of the operator of the reporting boat;
- (f) names and addresses of the operators of other vessels involved;
- (g) names and addresses of the owners of vessels or other property involved;
- (h) names and addresses of all persons killed or injured;
- (i) nature and extent of injury to any person;
- (j) description of damage to any property including vessels and estimated cost of repairs;
- (k) description of the accident including opinions as to the causes thereof;
- (l) length, propulsion, horsepower, fuel and construction of the reporting vessel; and
- (m) names and addresses of known witnesses.

2.06: Equipment

(1) Ventilation - Tanks and Engine Spaces. All motorboats which use gasoline as fuel shall have at least the ventilation required by 33 CFR 183.

(2) Mufflers. A dry exhaust shall be effectively muffled by a muffler of the automotive type or equal. Where a sufficient amount of cooling water is discharged overboard through the exhaust pipe to effectively muffle the engine exhaust noise, it will be considered as adequate to comply with 323 CMR 2.06(2).

2.06: continued

(3) Other Equipment. Unless otherwise required by federal law or 323 CMR 2.07(13) motor boats shall be provided with: Anchor, line and manual bailer; on motorboats less than 16 feet in addition to a paddle or oar. Personal watercraft shall be exempt from 323 CMR 2.06(3).

(4) Visual Distress Signals. No person shall operate any vessel on the coastal waters (as defined in M.G.L. c. 130, § 1), of the Commonwealth unless visual distress signals are on board of the type and number required by 33 CFR 175.101 through 175.135 for the size and type of vessel, time of day, and the applicable vessel activity.

(a) Visual Distress Signals Required.

1. No person shall operate a vessel, 16 feet or more in length or any vessel carrying six or less passengers unless visual distress signals (selected from the list below) in the number required are on board. Such devices suitable for day use and devices suitable for night use, must be carried.

2. Launchers. When visual distress signals carried to meet these requirements, require a launcher to be activated, then the appropriate U.S. Coast Guard approved launcher must also be carried on board.

3. Exception. The following persons need not comply with 323 CMR 2.06(4)(a)3., however, each must carry on board during the nighttime, visual distress signals suitable for night use (selected from the list below) in the number required:

- a. A person competing in any organized marine parade, regatta, race or similar event;
- b. A person using a vessel less than 16 feet in length, or
- c. A person using a manually propelled vessel or
- d. A person using a sailboat of completely open construction, not equipped with propulsion machinery, under 26 feet in length.

4. Carriage and Serviceability. No person may operate a vessel unless the visual distress signals required by 323 CMR 2.06(4)(a)4. are readily accessible and in serviceable condition. If the service life is dated on the signal, it must not have expired.

5. Marking. No person may use a vessel unless each visual distress signal required under 323 CMR 2.06(4)(a)5. is legibly marked with the approval in 46 CFR Parts 160 and 161.

(b) Visual Distress Signals Acceptable. Any of the following signals, when carried in the numbers required, can be used to meet the requirements of 323 CMR 2.06(4)(b):

1. An electric distress light meeting U.S. Coast Guard standards (46 CFR 161.013). One such device meets the night only requirements.

2. An orange flag meeting U.S. Coast Guard standards (46 CFR 160.072). One such device meets the day only requirement.

3. Pyrotechnics. The following table lists U.S. Coast Guard standards (46 CFR 160) and numbers required for pyrotechnic devices.

Device description	Meets requirement	Number Required
Hand Held Red Flare Distress Signals	Day and Night	3
Floating Orange Smoke Distress Signals	Day Only	3
Parachute Red Flare Distress Signals	Day and Night	3
Hand-Held Rocket Propelled Parachute Red Flare Distress Signals	Day and Night	3
Hand-Held Orange Smoke Distress Signals	Day Only	3
Distress Signal for Boats, Red Aerial Pyrotechnic Flare (Meteor or Parachute type)	Day and Night	3

2.06: continued

4. Any combination of signal devices selected from the types noted in 323 CMR 2.06(4)(b)3., when carried in the number required, may be used to meet day and/or night requirements.

2.07: Operation

(1) Distance.

(a) All motorboats must be operated in such a manner and at such a distance to prevent their wash from being thrown into, or causing excessive rocking to other vessels, rafts, or floats.

(b) Waterskiiers shall ski at a safe distance to prevent their wash from being thrown into, or causing excessive rocking to other vessels, rafts, or floats.

(c) Motorboats shall not be operated:

1. within 150 feet of shoreline which is being used as a swimming area, whether public or private, or

2. within 75 feet of the seaward boundary of a public or private swimming beach, if designated by markers, floats or otherwise.

(d) 323 CMR 2.07(1) shall apply to motorboats, barges, waterskiiers, or other devices being towed by power and the operator of the towing vessel shall be responsible for compliance therewith.

(2) Guardrails. A person operating a motorboat underway shall not permit anyone to ride or sit on the gunwales or on the decking of a bow, unless the motorboat is equipped with adequate guard rails to prevent persons from falling overboard. This provision shall not apply so as to prevent persons aboard a motorboat from standing on the decking over the bow in order to secure the motorboat to a mooring buoy or cast off from a buoy or for any other necessary purpose.

(3) Headway Speed. A motorboat shall not be operated at more than headway speed:

(a) When the operator's vision is obscured under a bridge or by bends or curves or in any other manner;

(b) When the motorboat is operated within 150 feet of a marina, boat launching facility, raft or float;

(c) When the vessel is operated within 300 feet of a shoreline being used as a swimming area whether public or private. (refer to 323 CMR 2.07(1)(c)); or

(d) When the motorboat is in a channel, unless a duly authorized local, state or federal marine enforcement agency has (1) permitted otherwise; and (2) placed markers in the channel indicating the permitted speed.

(e) When the motorboat is operated within 150 feet of a swimmer.

(4) Vessels for Hire. Operators of vessels carrying passengers for hire must have the appropriate United States Coast Guard license.

(5) Aids to Navigation. Vessels shall not be moored to aids to navigation. No person shall willfully destroy, move, injure, deface, or remove any aid to navigation established or placed by any governmental entity.

(6) Discharge. The discharge of raw sewage, garbage, rubbish or debris from motorboats on or into the waters of the Commonwealth is prohibited.

(7) Overloading. No vessel may be operated in an overloaded condition. Overloaded condition means that the number of persons on board and/or the cargo being carried exceeds the manufacturers' recommended limit for such vessel or is excessive given wind, water and weather conditions.

(8) Personal Watercraft. refer to 323 CMR 4.00 *et seq.*

2.07: continued

(9) Waterskiing. Any person waterskiing or being towed in any manner shall wear a Coast Guard approved personal flotation device of Type I, II or III, except persons engaged in slalom skiing on a marked course or persons engaged in barefoot, jump or trick skiing who may elect to wear in lieu of a Coast Guard approved personal flotation device and at their own risk, a wetsuit designed specifically for such activity, provided that:

- (a) The device must be marketed by the manufacturer as a waterski wetsuit;
- (b) The device must be constructed of nylon covered neoprene or similar material and have either long or short arms and legs;
- (c) The device must be equipped with additional flotation/padding material of a closed cell non-adsorptive type such as PVC foam or Ensolite. This flotation/padding must be sewn into the device according to the following:
  - 1. On the front extending from the clavicle to the top of the pelvis vertically and covering the front rib cage and covering as much of the side area as feasible. The maximum gap between padded areas on the side of the suit under the arm is four inches;
  - 2. On the rear of the device padding/flotation material must cover the area from the top of the shoulder blade to the top of the pelvis and span the entire width of the back; and
  - 3. Padding/flotation shall be at least ½ inch thick. This thickness excludes any covering material thickness; and
- (d) A Coast Guard approved personal flotation device Type I, II, or III must be carried in the tow boat for each skier electing to wear a water ski wetsuit.

(10) Canoeing or Kayaking. Any person aboard a canoe or kayak between January 1 to May 15 and between September 15 to December 31 shall wear at all times a Coast Guard approved personal flotation device of Type I, II, or III except persons aboard vessels excluded by M.G.L. c. 90B, § 5A.

(11) Speed Limit. No motorboat shall be operated at any time on the waters of the Commonwealth at a speed greater than is reasonable and proper having regard to the lives and safety of the public; the state of visibility; the traffic density; the maneuverability of the vessel; the state of wind, water and current; and the proximity of navigational hazards. On the inland waters of the Commonwealth (as defined by M.G.L. c. 131, § 1) and in the absence of a specified speed limit established by federal, state or local law for the particular water body or area, speed by a motorboat, in excess of 45 miles per hour shall be presumed to be in excess of a reasonable and proper speed. The provisions hereof shall not apply to vessels engaged in or practicing for organized competitive racing pursuant to a permit issued under 323 CMR 2.09.

(12) False Display of Distress Signal. No person in a vessel may display a visual distress signal on waters of the Commonwealth under any circumstance except in a situation where assistance is needed because of immediate or potential danger to the persons on board.

(13) Rules of the Road. Every vessel operated on the waters of the Commonwealth shall comply with the requirements of section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. sections 2001 - 2073).

(14) Personal Floatation Device - Children. Any person under 12 years of age, aboard and above

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deck on any vessel underway on the waters of the Commonwealth shall wear at all times a Coast Guard approved personal flotation device of Type I, II, III or V.

(15) The operator, if at least 18 years of age, or owner of a vessel operating on the waters of the Commonwealth shall ensure that passengers and/or operators wear personal flotation devices as required in 323 CMR 2.07(8)(9)(10) and (14).

2.08: Operation by Minors

(1) Safety Certificate. Any person of at least 12 years of age and less than 16 years of age shall satisfactorily complete a training course in boating safety approved by the National Association of State Boating Law Administrators. Courses approved include those sponsored by the Division of Law Enforcement, boating agencies of other states in the U.S.A., the United States Coast Guard Auxiliary, the United States Power Squadron, or any other entity approved by the Director. Any such person who satisfactorily completes said course will be issued a safety certificate, which shall be in possession when operating a motorboat and available for inspection by empowered law enforcement officers.

2.08: continued

(2) Exception. The provisions of 323 CMR 2.08(1) shall not apply if the person (minor) who is operating the motorboat is accompanied on-board and directly supervised by a competent person 18 years of age or older.

(3) Minimum Age. No person under 12 years of age may operate a motorboat on the waters of the Commonwealth, unless accompanied on-board and directly supervised by a competent person 18 years of age or older.

2.09: Permits

(1) Events. A race, regatta, parade, exhibition or practice for a race which is conducted according to a pre-arranged schedule and which by its nature, circumstances or location will introduce extra or unusual hazards to the safety of life or property on the waters of the Commonwealth may not be conducted without either a permit issued by the Director or a Permit for Marine Event issued by the United States Coast Guard.

(2) Plans. Any person or organization holding or sponsoring such a race, regatta, parade, exhibition or practice for a race shall submit a detailed plan to the Director of the Division of Law Enforcement, 100 Cambridge Street, Boston, Massachusetts 02202. Such plan shall be submitted not less than 15 days prior to the start of such race, regatta, parade, exhibition or practice for a race.

(3) Plan Contents. The detailed plan shall include the following:

- (a) name, address and telephone number of the sponsor;
- (b) nature and purpose of the event;
- (c) information as to general public interest;
- (d) estimated number and types of vessels participating in the event;
- (e) estimated number and types of spectator vessels;
- (f) a time schedule and description of events;
- (g) a scale drawing or sketch showing the boundaries of the event and various water courses or areas to be utilized by participants, officials, and spectator vessels; and
- (h) the written approval of the local harbormaster, or in a municipality without a harbormaster the local police chief.

(4) Permit Issuance. If, in the discretion of the Director, the event may be held with safety of life and property, a permit may be issued. Permits may be issued either for a single event or for a number or series of events; but in no event for longer than one year. Permits may be issued with conditions.

2.10: Towing

(1) Authorization. If deemed necessary for the protection of public safety by any person authorized to enforce M.G.L. c. 90B such person may cause any vessel under the following conditions to be placed in tow, or may contact another vessel to place such vessel in tow:

- (a) when the operator of a vessel laying to or underway on the waters of the Commonwealth willfully neglects or refuses to obey the order of a person authorized to enforce M.G.L. c. 90B, §§ 1 through 19;
- (b) when the operator of a vessel laying to or underway is placed under arrest on the waters of the Commonwealth;
- (c) whenever a vessel is afloat and unrestrained on the waters of the Commonwealth and is unattended;
- (d) whenever the operator of a vessel is operating while under the influence of intoxicating liquor, narcotic drug, barbituate or marijuana;
- (e) whenever use of such vessel has been terminated as unsafe; or
- (f) whenever a vessel is abandoned on the shores of the waters of the Commonwealth or on



property of another.

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### 2.10: continued

(2) Liability. In the event a vessel is towed under the provisions of 323 CMR 2.10, or is otherwise lawfully towed, any person authorized to enforce M.G.L. c. 90B, §§ 1 through 19 shall not be liable and shall remain harmless for any act or omission in providing or arranging such towage or other assistance unless such person acts recklessly or with gross negligence.

(3) Disposition. If a vessel is towed pursuant to 323 CMR 2.10 the owner of such vessel shall be liable for the cost of such tow and such vessel shall be held and disposed of pursuant to procedures parallel to those prescribed by M.G.L. c. 135.

(4) Presumption. For purposes of 323 CMR 2.00 a vessel shall be presumed to be abandoned if left on the shores of the waters of the Commonwealth not moored, anchored or made fast to the shore and unattended and/or on property of another without the consent of such property owner for a period of greater than 72 hours. The last owner of record of a vessel at the time it was abandoned shall be presumed to be the person who abandoned the same or caused or procured its abandonment, unless such vessel has been reported as stolen.

### 2.11: Penalties

(1) For purposes of M.G.L. c. 90B, § 14 any violation of 323 CMR 2.03 shall be deemed a violation of M.G.L. c. 90B, § 3.

(2) For purposes of M.G.L. c. 90B, § 14 any violation of 323 CMR 2.05 shall be deemed a violation of M.G.L. c. 90B, § 9(b).

(3) For purposes of M.G.L. c. 90B, § 14 any violation of 323 CMR 2.06(1), (3) or (4) shall be deemed a violation of M.G.L. c. 90B, § 5 and any violation of 323 CMR 2.06(2) shall be deemed a violation of M.G.L. c. 90B, § 6.

(4) For purposes of M.G.L. c. 90B, § 14, any violation of 323 CMR 2.07(1), (2), (3), (5), (6), (7), (8)(b), (8)(c), (10), (11), (12), or (13) shall be deemed a violation of M.G.L. c. 90B, § 8(e). For purposes of M.G.L. c. 90B, § 14 any violation of 323 CMR 2.07(4) or (8)(a) shall be deemed a violation of M.G.L. c. 90B, § 5; and any violation of 323 CMR 2.07(9) or (10) shall be deemed a violation of M.G.L. c. 90B, § 5A. Any violation of 323 CMR 2.07(14) shall be deemed a violation of M.G.L. c. 90B, § 12A.

(5) For purposes of M.G.L. c. 90B, § 14, any violation of 323 CMR 2.08 shall be deemed a violation of M.G.L. c. 90B, § 5.

(6) Any violation of 323 CMR 2.09 shall be deemed a violation of M.G.L. c. 90B, § 8(e).

### 2.12: Special Rules

(1) Water Skiing. Waterskiing is prohibited on the following rivers:

- (a) Swift River
- (b) Nashua River
- (c) Squannacook River
- (d) Nissitissit River

(2) Speed Limits. The following speed limits shall apply:

- (a) Motorboats may not exceed 20 mph in the nighttime and 45 mph at any time on the Connecticut River.
- (b) Motorboats may not exceed 22 mph within an area bounded by the Rt. 119 overpass in Groton, to the Pepperell Dam, in Pepperell on the Nashua River.

(3) Headway Speed. Motorboats shall not exceed headway speed on the following rivers or portion thereof:

- (a) Squannacook River
- (b) Nissitissit River

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(c) That portion of the Nashua River that extends from the Rt. 119 overpass in Groton, to the Rt. 2A overpass in Ayer.

## 2.12: continued

(4) Connecticut River/Reach.

- (a) No motorized vessel shall be operated at a speed greater than 15 m.p.h. upon the waters of the Connecticut River starting from a point at the Turner's Falls Dam in the Town of Montague, MA and flowing southerly for approximately 13 miles through the towns of Montague, Greenfield, Deerfield, Sunderland, Whately and parts of Hadley and Hatfield and the terminating at the public access boat ramp in the town of Hatfield.
- (b) The operation or use of so called jet ski's, surf jets, wet bikes or similarly styled craft are prohibited upon the waters of the Connecticut River and its tributaries from a point starting at the Turner's Falls Dam in Montague and following southerly for approximately 13 miles through the towns of Montague, Greenfield, Deerfield, Sunderland, Whately and parts of Hadley and Hatfield and terminating at the public access boat ramp in the town of Hatfield.
- (c) Authorized law enforcement agencies, emergency response personnel and recognized research personnel who have received the approval of the Director of the Division of Law Enforcement, are exempt from 323 CMR 2.12(4).

(5) Alcoholic Beverage Prohibition. No person or persons on any vessel, raft, tube or other means of transportation upon the waters of the Deerfield River starting from a point southerly from Dam #5 in Monroe/Rowe, MA and continuing along until concluding at Dam #4 in Charlemont/Buckland, MA, shall be in possession of, consume or transport any alcoholic beverage.

2.13: Lakes and Great Ponds

(1) Webster Lake. The following requirements, restrictions and prohibitions shall apply to the waters of Webster Lake in Webster, Massachusetts.

- (a) All motorboats shall comply with the provisions of M.G.L. c. 90B, 323 CMR 1.00 through 5.00 and all local regulations and by-laws managing boating activity authorized by the Town of Webster and approved by the Division of Law Enforcement.
- (b) Equipment on board all motorboats shall comply with M.G.L. c. 90B and 323 CMR 2.06 including but not limited to lights, paddle, anchor line, bailor, sounding device, fire extinguisher, United State Coast Guard (USCG) approved personal floatation device (PFD) type I, II, III for each person on board, muffler or under water exhaust, and flame arrestor (inboards only).
- (c) No person shall operate any vessel while such person is under the influence of intoxicating liquor or marijuana, narcotic drugs, depressant or stimulant substance as defined in M.G.L. chs. 94C and 90B, or the vapors of glue. No opened containers of alcohol shall be carried on board a motorboat at any time.
- (d) No person shall operate or permit the operation of any motorboat without a valid certificate of number (registration).
- (e) The certificate of number shall be carried on board the motorboat at all times. Certificate of numbers shall be displayed in size "3" block contrasting hull color.
- (f) All motorboats must be operated in such a manner and at such a distance to prevent their wash from being thrown into or causing excessive rocking of other vessels, rafts or floats.
  1. Waterskiers shall ski at a safe distance to prevent their wash from being thrown into or causing excessive rocking of other vessels, rafts or floats;
  2. Motorboats shall not be operated within 150 feet of shoreline which is being used as a swimming area, public or private, except for the purpose of launching or retrieving such vessel, staying outside the marked swimming area and operating at headway speed only;
  3. Motorboats shall not be operated within 75 feet of the waterside boundary of a public bathing beach, if designated by markers, floats or otherwise.
  4. No vessel may be operated in an overloaded condition which shall mean that the number of persons aboard and or cargo being carried, exceeds the manufacturer's recommended limit for such vessel or is excessive given wind, water, and weather conditions.
  5. All vessels must have aboard, a type I, II or III personal flotation device (PFD) for each person being carried.

## 2.13: continued

6. A motorboat shall not be operated at more than headway speed;
  - a. when the operator's vision is obscured under a bridge, or by bends or curves, or in any other manner; or
  - b. when the motorboat is operated within 150 feet of a marina boat launching facility, raft or float, or in any other manner as described in 323 CMR 2.07(3).
- (g) Rowboats, canoes, other non-mechanically powered vessels and sailboats shall have the right of way at all times.
- (h) No person shall be allowed to sit on gunwales or decks unless there are adequate guardrails as set forth in 323 CMR 2.07(2).
- (i) Any swimmer more than 150 feet from shore shall be attended by a boat.
- (j) All scuba divers must display a diver's flag as described in M.G.L. c. 90B, § 13A. Boat operators in sight of a diver's flag shall proceed with caution and when within a radius of 100 feet of such flag shall proceed at a speed not to exceed three mph.
- (k) No person shall:
  1. be towed through any channel, aboard any type of towing device;
  2. tow a person(s) attempting to para-sail or glider-sail from the rear of a motorboat without first obtaining the necessary permits from both State and local agencies;
  3. operate any motorboat with a person in tow unless there is in such boat a person who has reached 12 years of age, in addition to the operator, in a position to observe the person being towed and further, unless such motorboat is equipped with a ladder, steps or similar means by which the person being towed can be taken from the water;
  4. operate a motorboat negligently with a person in tow as to endanger the lives of the public; or
  5. tow another or be towed after sunset or before sunrise.
- (l) Any person:
  1. on any vessel under age 12 shall wear a USCG approved PFD of type I, II or III at all times;
  2. on raft, tube, or similar inflatable device more than 500 feet from shore shall wear a USCG approved of type I, II or III;
  3. in tow shall wear a USCG approved PFD of type I, II or III, except as otherwise provided in 323 CMR 2.07(9);
  4. operating a jetski or personal watercraft shall wear a USCG approved PFD type I, II, or III at all times.
- (m) The following speed limits shall apply to the following areas.
  1. No person shall operate a motorboat so as to create a wake or operate in excess of five mph when passing through a channel, defined as 150 feet on either side of the posted speed limit marker. Markers are set at the Narrows section, Point Breeze section, and the Long Island section.
  2. No person shall operate a motorboat in excess of 15 mph in Nipmuck Cove located at the boat ramp in the Webster Memorial Beach area.
  3. No person shall operate a motorboat at a speed in excess of 45 mph, except for persons operating a motorboat under authority of a special permit issued pursuant to 323 CMR 2.09.
- (n) Jet Skis.
  1. No person shall operate a jetski, surf jet, wet bike or other so-called personal watercraft after sunset or before sunrise or when vision is unduly restricted by weather.
  2. No person shall operate a jet ski, surf bike, wet bike or other so-called personal watercraft under 16 years of age or between 16 and 17 years of age without having first received a safety certificate as authorized and described in 323 CMR 4.03.
  3. No person shall tow a waterskier or any person in any manner from a jet ski, wet bike or other so-called personal watercraft.
  4. No person shall operate a jet ski, wet bike or other so called personal watercraft, except as otherwise provided in 323 CMR 4.03(9):
    - a. within 150 feet of shore or a moored vessel except at headway speed;
    - b. within 150 feet and 300 feet of a public bathing area except at headway speed;
    - c. within 150 feet of a swimmer in the water; or
    - d. without the wearing of approved personal floatation device, type I, II or III.

2.13: continued

(o) Enforcement and Compliance.

1. All persons shall stop when directed to do so by an Environmental Police Officer, a Webster Police Office in uniform or any other officer authorized to enforce 323 CMR 2.13.
2. The operator of any vessel involved in an accident, collision, or fatality, or in the absence thereof, the investigating agency shall immediately notify the Massachusetts Environmental Police at 1-800-632-8075 and the Webster Police Department of such incident. A written report shall be filed with both police agencies within 48 hours in the event of a fatality; otherwise within five days.
3. All laws and regulations pertaining to activities on Webster Lake shall be enforced by the Massachusetts Environmental Police, members of the Webster Police Department and any other official authorized under M.G.L. c. 90B.

(2) Mashpee-Wakeby Lake. The following requirements, restrictions and prohibitions shall apply to the waters of Mashpee-Wakeby Lake in Mashpee and Sandwich, Massachusetts.

- (a) All vessels shall comply with the provisions of M.G.L. c. 90B and 323 CMR 1.00, 2.00, and 4.00 and all local regulations and by-laws managing boating activity authorized by the Town of Mashpee and approved by the Division of Law Enforcement.
- (b) Equipment on board all motorboats shall comply with M.G.L. c. 90B and 323 CMR 2.06 including but limited to lights, paddle, anchor, line, bailer, sounding device, fire extinguisher, United States Coast Guard (USCG) approved personal flotation device (PFD) type I, II, or III for each person on board, muffler or under water exhaust, and flame arrester (inboards only).
- (c) No person shall operate any vessel while such person is under the influence of intoxicating liquor or marijuana, narcotic drugs, depressant or stimulant substance as defined in M.G.L. chs. 94C and 90B, or the vapors of glue.
- (d) No vessel may be operated in an overloaded condition which shall mean that the number of persons aboard or cargo being carried, exceeds the manufacturer's recommended limit for such vessel or is excessive given wind, water and weather conditions.
- (e) Motorboats shall not be operated within 150 feet of shoreline, which is being used as a swimming area, public or private. Motorboats shall not be operated within 150 to 300 feet of the shoreline of such swimming areas except at headway speed.
- (f) All motorboats must be operated in such a manner and at such a distance to prevent their wash from being thrown into or causing excessive rocking of other vessels, rafts or floats. A motorboat shall not be operated at more than headway speed:
  1. in any area which has been posted for the speed permitted by a duly authorized local or state authority.
  2. when within 150 feet of:
    - a. any swimmer
    - b. any vessel propelled by means other than machinery
    - c. any vessel not underway
    - d. any mooring area, marina, boat launching facility, or raft (whether public or private)
- (g) Personal watercraft operation is prohibited after 7:00 P.M. or after sunset, whichever occurs earliest.

(3) Notice. 323 CMR 2.13 only highlight the more significant requirements for safe boat operation. Please refer to M.G.L. c. 90B and 323 CMR 2:00 for complete listing.

2.15: Severability

The provisions of 323 CMR 2.00 are severable, and if any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions hereof or application thereof which can be given effect without such invalid provision or application.

NON-TEXT PAGE

2.00: continued

Appendix 1:

Sunrise and Sunset at Worcester, Massachusetts

SUNRISE AND SUNSET AT WORCESTER, MASSACHUSETTS  
EASTERN STANDARD TIME

DAY	JAN.		FEB.		MAR.		APR.		MAY		JUNE		JULY		AUG.		SEPT.		OCT.		NOV.		DEC.	
	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.	Rise A.M.	Set P.M.
1	7 17	4 26	7 01	5 02	6 23	5 37	5 31	6 13	4 43	6 47	4 14	7 17	4 14	7 28	4 40	7 07	5 12	6 22	5 44	5 29	6 20	4 41	6 57	4 16
2	7 17	4 27	7 00	5 03	6 22	5 38	5 29	6 14	4 42	6 48	4 13	7 18	4 15	7 28	4 41	7 06	5 13	6 20	5 45	5 28	6 22	4 40	6 58	4 16
3	7 17	4 28	6 59	5 04	6 20	5 40	5 27	6 15	4 41	6 49	4 12	7 19	4 16	7 27	4 42	7 05	5 14	6 18	5 46	5 26	6 23	4 39	6 59	4 16
4	7 17	4 29	6 58	5 05	6 18	5 41	5 25	6 16	4 39	6 50	4 12	7 19	4 16	7 27	4 43	7 03	5 15	6 17	5 47	5 24	6 24	4 38	7 00	4 16
5	7 17	4 29	6 57	5 07	6 17	5 42	5 24	6 17	4 38	6 51	4 12	7 20	4 17	7 27	4 44	7 02	5 17	6 15	5 49	5 23	6 25	4 36	7 01	4 15
6	7 17	4 30	6 56	5 08	6 15	5 43	5 22	6 19	4 37	6 52	4 12	7 21	4 17	7 27	4 45	7 01	5 18	6 13	5 50	5 21	6 27	4 35	7 02	4 15
7	7 16	4 31	6 55	5 09	6 13	5 44	5 20	6 20	4 36	6 53	4 11	7 21	4 18	7 26	4 46	7 00	5 19	6 12	5 51	5 19	6 28	4 34	7 03	4 15
8	7 16	4 32	6 53	5 11	6 12	5 46	5 19	6 21	4 34	6 54	4 11	7 22	4 19	7 26	4 47	6 58	5 20	6 10	5 52	5 18	6 29	4 33	7 03	4 15
9	7 16	4 34	6 52	5 12	6 10	5 47	5 17	6 22	4 33	6 55	4 11	7 23	4 19	7 25	4 48	6 57	5 21	6 08	5 53	5 16	6 30	4 32	7 04	4 15
10	7 16	4 35	6 51	5 13	6 08	5 48	5 15	6 23	4 32	6 56	4 11	7 23	4 20	7 25	4 49	6 56	5 22	6 06	5 54	5 14	6 32	4 31	7 05	4 15
11	7 16	4 36	6 50	5 15	6 07	5 49	5 14	6 24	4 31	6 57	4 10	7 24	4 21	7 25	4 50	6 54	5 23	6 05	5 55	5 13	6 33	4 30	7 06	4 15
12	7 15	4 37	6 48	5 16	6 05	5 50	5 12	6 25	4 30	6 58	4 10	7 24	4 22	7 24	4 51	6 53	5 24	6 03	5 56	5 11	6 34	4 29	7 07	4 15
13	7 15	4 38	6 47	5 17	6 03	5 51	5 10	6 26	4 29	7 00	4 10	7 25	4 22	7 23	4 52	6 52	5 25	6 01	5 58	5 09	6 35	4 28	7 08	4 15
14	7 14	4 39	6 46	5 18	6 02	5 53	5 09	6 28	4 28	7 01	4 10	7 25	4 23	7 23	4 53	6 50	5 26	5 59	5 59	5 08	6 37	4 27	7 09	4 16
15	7 14	4 40	6 44	5 20	6 00	5 54	5 07	6 29	4 27	7 02	4 10	7 26	4 24	7 22	4 54	6 49	5 27	5 58	6 00	5 06	6 38	4 26	7 09	4 16
16	7 14	4 41	6 43	5 21	5 58	5 55	5 06	6 30	4 26	7 03	4 10	7 26	4 25	7 22	4 55	6 47	5 28	5 56	6 01	5 04	6 39	4 25	7 10	4 16
17	7 13	4 43	6 41	5 22	5 57	5 56	5 04	6 31	4 25	7 04	4 10	7 26	4 26	7 21	4 56	6 46	5 29	5 54	6 02	5 03	6 40	4 24	7 11	4 17
18	7 12	4 44	6 40	5 23	5 55	5 57	5 02	6 32	4 24	7 05	4 10	7 27	4 26	7 20	4 58	6 44	5 30	5 52	6 03	5 01	6 41	4 23	7 11	4 17
19	7 12	4 45	6 39	5 25	5 53	5 58	5 01	6 33	4 23	7 06	4 10	7 27	4 27	7 19	4 59	6 43	5 31	5 51	6 03	5 00	6 43	4 23	7 12	4 17
20	7 11	4 46	6 37	5 26	5 51	5 59	4 59	6 34	4 22	7 07	4 11	7 27	4 28	7 19	5 00	6 41	5 32	5 49	6 06	4 58	6 44	4 22	7 12	4 18
21	7 11	4 47	6 36	5 27	5 50	6 01	4 58	6 35	4 21	7 08	4 11	7 27	4 29	7 18	5 01	6 40	5 33	5 47	6 07	4 57	6 45	4 21	7 13	4 18
22	7 10	4 49	6 34	5 29	5 48	6 02	4 56	6 36	4 20	7 09	4 11	7 28	4 30	7 17	5 02	6 38	5 34	5 45	6 08	4 55	6 46	4 21	7 14	4 19
23	7 09	4 50	6 33	5 30	5 46	6 03	4 55	6 38	4 19	7 09	4 11	7 28	4 31	7 16	5 03	6 37	5 36	5 43	6 09	4 54	6 47	4 20	7 14	4 19
24	7 08	4 51	6 31	5 31	5 44	6 04	4 53	6 39	4 19	7 10	4 12	7 28	4 32	7 15	5 04	6 35	5 37	5 42	6 11	4 52	6 49	4 19	7 14	4 20
25	7 08	4 52	6 30	5 32	5 43	6 05	4 52	6 40	4 18	7 11	4 12	7 28	4 33	7 14	5 05	6 33	5 38	5 40	6 12	4 51	6 50	4 19	7 15	4 20
26	7 07	4 54	6 28	5 33	5 41	6 06	4 50	6 41	4 17	7 12	4 12	7 28	4 34	7 13	5 06	6 32	5 39	5 38	6 13	4 49	6 51	4 18	7 15	4 21
27	7 06	4 55	6 26	5 35	5 39	6 07	4 49	6 42	4 16	7 13	4 13	7 28	4 35	7 12	5 07	6 30	5 40	5 36	6 14	4 48	6 52	4 18	7 15	4 22
28	7 05	4 56	6 25	5 36	5 37	6 08	4 47	6 43	4 16	7 14	4 13	7 28	4 36	7 11	5 08	6 28	5 41	5 35	6 15	4 47	6 53	4 17	7 16	4 22
29	7 04	4 58	6 24	5 37	5 36	6 10	4 46	6 44	4 15	7 15	4 13	7 28	4 37	7 10	5 09	6 27	5 42	5 33	6 17	4 45	6 54	4 17	7 16	4 23
30	7 03	4 59	6 23	5 38	5 34	6 11	4 45	6 45	4 15	7 16	4 14	7 28	4 38	7 09	5 10	6 25	5 43	5 31	6 18	4 44	6 55	4 17	7 16	4 24
31	7 02	5 00			5 32	6 12			4 14	7 16			4 39	7 08	5 11	6 24			6 19	4 43				

Daylight Savings Time

Begins: 2 A.M. Last Sunday in April  
Ends: 2 A.M. Last Sunday in October  
For D.S.T. add one hour to time listed on table

Be SURE to check which time schedule is in force

- D.S.T.
- 1987 - April 5 - October 25
- 1988 - April 3 - October 30
- 1989 - April 2 - October 29
- 1990 - April 1 - October 28

For cities other than Worcester:  
Boston, subtract 3 minutes from stated sunrise and sunset times;  
Springfield; add 4 minutes to stated sunrise, add 3 minutes to stated sunset;  
Pittsfield, add 6 minutes to stated sunrise and sunset.



323 CMR: DIVISION OF LAW ENFORCEMENT

REGULATORY AUTHORITY

323 CMR 2.00: M.G.L. c. 90B, § 1 through 19.