

MAINE STATE LEGISLATURE

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October 1, 1958

To Honorable Edmund S. Muskie, Governor of Maine
Re: Federal Boating Act of 1957

. . . You state that you have been in communication with the Honorable Herbert C. Bonner, M. C., chairman of the Committee on Merchant Marine and Fisheries, relative to the above captioned Act. You state that it is your impression that there is no State agency with jurisdiction in the field paralleling the work of Representative Bonner, and you ask for suggestions as to what steps we can take, or ought to take, to contribute to an expression of Maine's interest in the subject under study.

Necessity of the Act.

As stated by Admiral Alfred Richmond, Commandant of the Coast Guard, at a hearing before the Committee on August 6, 1957,

"As you are all keenly aware, pleasure boating has developed, almost explosively, as a true family sport, and it offers almost boundless opportunity for wholesome recreation. The phenomenal increase in the use of the waterways makes it imperative that progressive, forward-looking legislation be enacted which will provide a minimum standard of safety for recreational boating, and a pattern for uniformity of State laws."

The immediate Federal concern is the fact that today it is usual for one owning a boat to be in State waters one day and to be in Federal waters the next day.

Content and Limited Application of the Act.

The Federal Act is designed to register small craft not otherwise registered, for the purpose of controlling the use of such craft upon the various navigable waters of the States and Territories.

Such a law would have a limited purpose, in so far as it would not control boats on the majority of our inland State waters. The reason for this is the definition of "navigable waters", as given in H. R. 8474: "The phrase 'navigable waters of the United States' means those waters within the territorial jurisdiction of the United States, its Territories or possessions, which, by themselves or by uniting with other waters, form a continued highway on which vessels may be navigated from one State to another or to foreign countries."

The Federal Act would then apply to just a few of our lakes, such as Spednic Lake and East Grand Lake, that are bounded by both Maine and Canada or by Maine and another State, and to our navigable rivers, but would not apply to the great majority of our inland waters.

State of Maine Activities in the Field

It can be seen from a review of the Federal Act that in the background is the desire to prevent the reckless or otherwise negligent use of such boats. Our legislature has foreseen the rapid growth of the use of pleasure boats on our waters and in 1947 enacted what is now seen as Section 65, Chapter 37, R. S. 1954. Section 65 makes it a misdemeanor to operate any boat upon any great pond, river, or inland body of water to which the public has a right of access, recklessly, at an excessive rate of speed, or in a wanton manner, causing injury to any person or property. Several persons have been convicted under the provisions of this law.

Section 66 of Chapter 37 places jurisdiction in the Commissioner of Inland Fisheries and Game over boats and canoes maintained for hire upon any inland body of water to which the public has access, including duck skiffs and boats propelled by outboard motors.

The Act calls for inspection and certification, with a system of number registration for such boats.

The Act also calls for the Commissioner to inquire into the qualifications of the operator, with the right to grant a license for such operation.

Request of Representative Bonner

Representative Bonner sees in such an Act the necessity for the various States to adopt substantially similar Acts or to adopt Uniform Acts. To this end he requests help from the States in seeing that the bill which will finally be enacted by Congress is acceptable to the States.

Suggestions

It would be our recommendation that Representative Bonner take steps, which you gather from his letter he has already taken - that is, consult the Council of State Governments. There are several bodies of which the Council is secretary, which would be very helpful in his problem: 1) The Commission on Uniform State Laws; 2) The Committee on Suggested State Legislation; 3) The Commission on Interstate Cooperation. It is my understanding that the Committee on Suggested State Legislation has already considered this Act, but I do not know with what result. Probably the most appropriate body would be The Commission on Uniform State Laws.

As the Department of Inland Fisheries and Game has had some experience with this problem, it might be well to inquire if the Commissioner of that department has any suggestions.

James Glynn Frost
Deputy Attorney General

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