

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

Therefore, you are within your rights to notify the applicant of the increase in fees if his application is accompanied by the fees now in existence where the examination or the issuance of a license will not take place prior to September 16.

GEORGE C. WEST

Deputy Attorney General

August 18, 1961

To: George W. Bucknam, Deputy Commissioner of Inland Fisheries and Game

Re: Maine Boat Law — Dual Licensing

Reference is made to your memo of August 10, 1960, and the reply of September 16, 1960 from this office. This office has reviewed the reply and finds that it is in error. The reply should read as follows:

We have your memo of August 10, 1960 in which you ask if, under the provisions of the Maine Boat Law, you can require a person to obtain a license and pay the two dollars (\$2.00) fee for such license, for boat which is to be used on the waters of East Grand Lake, if that boat has already been issued a number by the U. S. Coast Guard.

Answer: Yes.

Our State Boating Act (Chapter 36-A, Revised Statutes of 1954, enacted by Public Laws of 1959, Chapter 349) complements and supplements the Federal Boating Act of 1958 (Public Law 85-911). Together, the federal law and the state act are meant to provide for a program of generally uniform laws and enforcement procedures to promote safety in recreational boating. See *Suggested State Legislation* Program for 1959, supplement Council of State Governments, page 20.

The State Boating Act, Section 3, provides that:

“ . . . No person shall operate or give permission for the operation of any motorboat on such waters (waters of this State as defined in the act) unless the motorboat is numbered in accordance with this chapter, or in accordance with applicable federal law, or in accordance with a numbering system of the state of which he is a resident, and unless the certificate of number awarded to such motorboat is in full force and effect, and the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.”

Section 4, paragraph II, provides:

“The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a numbering system of the state of which he is a resident, *shall record the number prior to operating the motorboat on the waters of this State in excess of the 90 days reciprocity period provided for in section 6, subsection I.* Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under subsection I, except that no additional substitute number shall be issued;” (Emphasis ours)

Although section 3 provides that no person shall operate or give permission for the operation of a motorboat on the waters of this State unless such motor-

boat is *numbered* in accordance with our law or in accordance with applicable federal law or the numbering system of another State, yet section 4, paragraph II, requires the *number* issued by the Coast Guard or another State to be *recorded* in this State where the motorboat has been within this State for a period in excess of 90 consecutive days.

Therefore, we must conclude that a motorboat numbered in accordance with applicable federal law or the numbering system of another State which has been within this State for a period in excess of 90 consecutive days must have that number recorded with the Commissioner of Inland Fisheries and Game.

GEORGE C. WEST

Deputy Attorney General

August 24, 1961

To: Governor John H. Reed  
State House  
Augusta, Maine  
Re: Casco Bay Lines

Dear Governor Reed:

On Wednesday, August 23, a request was received in this office from the Maine Public Utilities Commission asking our interpretation and construction of Chapter 79 of the Private and Special Laws of 1959, and particularly section 3 of that chapter.

Section 3 of Chapter 79, Private and Special Laws of 1959, amends Private and Special Laws of 1929, Chapter 114, section 1, by adding subsection (f) which reads as follows:

"Ferry service between mainland and islands in Casco Bay. Whenever it is determined by the Public Utilities Commission that ferry transportation for persons and property between the mainland and the islands in Casco Bay located within the limits of the City of Portland and the Town of Cumberland can no longer feasibly be provided by private operators at rates established by said Public Utilities Commission, the Port Authority shall take such means as shall be necessary to provide such service, either through contract with private operators or by acquiring and operating the necessary facilities as provided herein."

In discussing this section with the Public Utilities Commission's attorney, we both agreed that the feasibility relates directly to rate establishment which is not the particular problem presented in the present Casco Bay Lines situation because of the following language in this subsection:

"Whenever it is determined by the Public Utilities Commission that ferry transportation . . . can no longer feasibly be provided by private operators at rates established by said Public Utilities Commission, the Port Authority shall take such means as shall be necessary to provide such service . . ."

We, therefore, look to other sections of the Maine Port Authority law which are scattered throughout Private and Special laws from 1929 until 1959. For-