

# MAINE STATE LEGISLATURE

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January 3, 1964

Bureau of Watercraft Registration  
and Safety  
George C. West, Deputy

Attorney General

Display of Numbers, Other than that of Registration, on Motorboats

**FACTS:**

P.L. 1963 chapter 354, section 4, II, D, provides:

"It is unlawful to paint, attach or otherwise display any other number, any sign, name or design, on either side of the bow of such a motorboat, provided that this paragraph shall not apply to motorboats 26 feet in length or over."

**QUESTION:**

May a motorboat 26 feet in length or over display on either side of the bow any number other than that assigned by the bureau?

**ANSWER:** No.

**REASONS:**

Chapter 36-B was enacted by P.L. 1963, chapter 354, to be effective January 1, 1964. This chapter sets up the Bureau of Watercraft Registration and Safety. It, in general, provides for a system of registration, by numbering, of motorboats propelled by machinery of more than 10 horsepower.

The general purpose of chapter 36-B is to place the State of Maine motorboat registration law in compliance with the Federal law. The result will be that motorboats operating in Maine waters will be registered by the State rather than by dual control of State and Federal agency.

U.S.C.A Title 46, section 527a, provides in part:

"(b) The owner of an undocumented vessel required to be numbered under subsection (a) of this section shall secure a number for such vessel in the State in which it is principally used, in accordance with the State numbering

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system approved by the Secretary in accordance with subsection (c) of this section, . . . .

"(c) The Secretary shall establish an overall numbering system for the numbering of vessels required to be numbered under subsection (a) of this section. He shall approve any State system for numbering vessels which is submitted to him which meets the standards set forth below: . . . .

"(3) The number awarded shall be required to be painted on, or attached to, each side of the bow of the vessel for which it was issued, and shall be of such size, color and type as may be prescribed by the Secretary. No other number shall be permitted to be carried on the bow of such vessel." (Emphasis added.)

Chapter 36-B conforms in all respects to the requirements of the Secretary except for the question raised by the wording of section 4, II, D, which says:

"It is unlawful to paint, attach or otherwise display any other number, any sign, name or design, on either side of the bow of such a motorboat, provided that this paragraph shall not apply to motorboats 26 feet in length or over." (Emphasis added.)

Looking at the legislative history of chapter 36-B, we find that the bill was introduced as S.P. 299, L.D. 872, and referred to the Joint Standing Committee on Legal Affairs. The Committee reported a new draft as S. P. 585, L.D. 1542. The above-underlined clause was not in either draft.

Senate amendment filing S-209 proposed the underlined clause and was accepted by both the Senate and House. The bill was then passed and signed by the Governor with this amendment.

"But statutes cannot always be construed with reference to the literal meaning of the language employed. Let us, therefore, endeavor to discover the purpose of the legislature in enacting this statute, and

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see if they intended that it should apply to the state of facts presented by the case at bar. The rule of construction, that the policy and intent of the legislature is to be ascertained; that a thing within the letter is not within the statute if contrary to intention; that the history and manifest purpose may be resorted to; that words are to be construed with reference to the subject matter; that the meaning of the statute is to be ascertained and declared even though it seems to conflict with the words; that the intent must be gathered from all parts of the statute; is so well established that citation is unnecessary." Georgetown v. Hancome, 108 Me. 131 @ 133.

"The literal meaning of the language employed in a statute should be followed only when the policy and intent of the Legislature is implemented by such construction." Gendron Lumber Co. v. Hiram, 151 Me. 450 @ 455.

Clearly the legislative intent was to enact a law which would be in harmony with the Federal law and to thus do away with the necessity of dual control in this State. Can it now be said that the whole legislative intent is abrogated by an error in draftmanship in a single amendment to a paragraph of a subsection of a section of a statute? In the case of Public Service Co. of N.H. v. Berwick, 158 Me. 285 @ 289, the court said:

"In due candor it must be acknowledged that there is a self-evident oversight in the amending of R. S. c. 91A, s. 52 and that 'not less than 30 days' should have been altered to say 'within 30 days.' "

So here, there was evident oversight in amending section 4, II, B. No doubt it was done hurriedly and carelessly, but as in Public Service Co. of N.H. v. Berwick, supra, it should be the purpose to seek the "objective of balanced justice."

Hence, we conclude that a motorboat of 26 feet in length or over may not display on its bow any number other than that assigned by the bureau.

It is urgently recommended that the offending wordage be properly amended at the first session of the legislature next held.

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