

MAINE STATE LEGISLATURE

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August 2, 1973

Robert H. Johnson, Director

John Kendrick, Assistant

FILE
Bureau of Watercraft Registration
and Safety
Attorney General

Airmobile registration as watercraft

Your letter of July 19, 1973, to the Attorney General has been referred to me for reply. Chapter 238, Public Laws of 1973, generally does prohibit the use of airmobiles. There are two exceptions: Airmobiles "registered with" your Bureau on or before April 4, 1973, and airmobiles operated by the "Committee to Study Airmobiles" (or allowed by the Committee, to be operated). With the general prohibition and exceptions in mind, I will answer the three specific questions you ask in the same order as they appear in your letter.

1. Continued operation of any airmobile is lawful until the effective date of the prohibition (§1992) of Chapter 238 - i.e., October 4, 1973. (This date is 91 days after adjournment of the Legislature, provided by Chapter 625, § 73, P.L. of 1973, rather than the usual 90 days after adjournment.)

2. The boat dealer can lawfully continue to demonstrate and use personally any airmobile until October 4, 1973, of course. Beginning October 4, the boat dealer can lawfully continue to use or demonstrate only an airmobile for which he was issued either an individual "certificate of number" on or before April 4, 1973, or a "dealer's certificate of number" on or before April 4, 1973. To be exempt from the general prohibition of Chapter 238 by reason of a "dealer's certificate of number", the boat dealer must use an airmobile that was in his inventory on or before April 4, 1973, and not an airmobile that he received at a later date. This is within the design of Chapter 238 to establish April 4 as a cut-off date for exemption purposes.

3. The Bureau should not register any airmobile on or after October 4, 1973, except those used or allowed to be used, on water, by the "Committee to Study Airmobiles." Until October 4, the Bureau may of course continue to register all airmobiles as watercraft. I suggest, however, that any airmobile owner or dealer applying for registration should be clearly advised by the Bureau that such registration does not exempt him from the general prohibition of Chapter 238.

JK/mf

NOT A FORMAL OPINION