

MAINE STATE LEGISLATURE

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ONE - HUNDREDTH LEGISLATURE

Legislative Document

No. 1371

H. P. 984

House of Representatives, February 8, 1961

Referred to Committee on Inland Fisheries and Game. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Wade of Skowhegan.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

**AN ACT Revising the Law Relating to Licensing and Safety
Operation of Boats.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 49-A, additional. The Revised Statutes are amended by adding a new chapter 49-A, to read as follows:

'Chapter 49-A.

Operation of Boats.

Sec. 1. Declaration of policy. It is the policy of this State to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto. In order to promote the safety of all persons using waters of the State of Maine, the Maine Public Utilities Commission shall establish a Division of Water Safety, and shall appoint a Director of Water Safety under the Personnel Law.

Sec. 2. Definitions. As used in this chapter, unless the context clearly requires a different meaning:

I. Motorboat. "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, and whether or not such machinery is permanently or temporarily attached to such vessel, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.

II. Operate. "Operate" means to navigate or otherwise use a motorboat or a vessel.

III. Owner. "Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

IV. Person. "Person" means an individual, partnership, firm, corporation, association or other entity.

V. Vessel. "Vessel" means every description of watercraft, other than a sea-plane on the water, used or capable of being used as a means of transportation on water.

VI. Waters of this State. "Waters of this State" means any inland body of water, wholly or partly within the territorial limits of this State, and all rivers and streams above tidewater.

Sec. 3. Operation of unnumbered motorboats prohibited. Every motorboat on the waters of this State propelled by machinery whether or not such machinery is the principal source of propulsion, shall be numbered. No person shall operate or give permission for the operation of any motorboat on such waters 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.

Sec. 4. Identification number.

I. Application; certificate of number. The owner of each motorboat requiring numbering by this State shall file an application for number with the commissioner on forms approved by him. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee of \$2. Upon receipt of the application in approved form, the Director of Water Safety shall enter the same upon the records of the office and issue to the applicant a certificate of number, stating the number assigned to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the boat the identification number assigned in order that it may be clearly visible. The number shall be not less than 3 inches in height. The number shall be maintained in a legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation;

II. Recording. 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;

III. Change of ownership. Should the ownership of a motorboat change, a new application form with fee shall be filed with the Director of Water Safety, and the same certificate of number shall be awarded to the new owner in the same manner as provided in the original award of number.

IV. Ownership transferred. Whoever transfers the ownership of a numbered motorboat or vessel, and applies to the Director of Water Safety for numbering of another motorboat or vessel within the license period shall be entitled to a new certificate of number upon payment of a transfer fee of \$1. The certificate issued for the numbering of the former motorboat or vessel shall be returned to the Director of Water Safety, showing that the ownership of such motorboat or vessel has been transferred, and that the certificate has been cancelled.

Whoever discontinues the use of a numbered motorboat or vessel and applies to the Director of Water Safety for numbering of another motorboat or vessel within the license period shall be entitled to a certificate of number permitting the use of the number assigned to the former motorboat or vessel upon payment of a transfer fee of \$1. The certificate issued for the numbering of the former motorboat or vessel shall be returned to the Director of Water Safety, showing that its use has been discontinued.

If any certificate of number is lost, mutilated or illegible, the owner of a boat may obtain a duplicate upon application and for a fee of \$1.

V. Agents. The Director of Water Safety may award any certificate of number directly or may authorize agents for the awarding thereof. In said event, agents may be assigned a block of numbers and certificates therefor which upon award, in conformity with this chapter and with any rules and regulations of the Director of Water Safety, shall be valid as if awarded directly by the Director of Water Safety. Such agent shall retain 25c from the fee provided in this section;

VI. Records public. All records of the Director of Water Safety made or kept pursuant to this section shall be public records;

VII. Certificate of number. Every certificate of number awarded under this chapter shall expire at midnight on December 31st of the calendar year issued, unless sooner terminated or discontinued in accordance with this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same.

VIII. Transfer, destruction or abandonment. The owner shall furnish the Director of Water Safety notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this State pursuant to subsections I and II or of the destruction or abandonment of such motorboat, within 10 days thereof; such transfer, destruction or abandonment shall terminate the certificate of number for such motorboat

except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, such transfer shall not terminate the certificate of number;

IX. Display of number. No number other than the number awarded to a motorboat or granted reciprocity pursuant to this chapter shall be painted, attached or otherwise displayed on either side of the bow of such motorboat, except that nothing in this section shall be deemed to affect the display of such numbers as may be required under chapter 49, section 9;

X. Manufacturers or dealers. Every manufacturer or dealer in new or used motorboats requiring numbering by the State may, instead of an application for numbering each motorboat owned by him, make application upon a blank provided by the Director of Water Safety for a general distinguishing number. If the Director of Water Safety is satisfied that the applicant maintains a permanent place of business in the State where said applicant is engaged in the business of manufacturing, buying or selling of motorboats, he shall issue to the applicant a certificate of number. Such certificate of number shall contain the name, place of residence and business of the applicant and the general distinguishing number assigned to him, and made in such form as the Director of Water Safety may determine, and all motorboats owned by such applicant shall be regarded as numbered under such general distinguishing number. To be eligible for the renewal of such motorboat dealer certificate of number, the applicant must maintain in the State of Maine a permanent place of business of manufacturing, buying or selling motorboats. The fee for every such certificate of number shall be \$10.

Sec. 5. Lights. Every motorboat and vessel shall have aboard, when in operation during hours of darkness, a light sufficient to make the motorboat's presence and location known to any and all other vessels within a reasonable distance.

Sec. 6. Exemption from numbering provisions. A motorboat shall not be required to be numbered under this chapter if it is:

I. Already covered by a number. 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 another state of which the owner is a resident; provided such boat shall not have been within this State for a period in excess of 90 consecutive days;

II. Outside country; temporarily. A motorboat from a country other than the United States temporarily using the waters of this State;

III. Owned by United States or State. A motorboat whose owner is the United States or this State;

IV. Lifeboat. A ship's lifeboat;

V. Exempted. A motorboat belonging to a class of boats which has been exempted from numbering by the Director of Water Safety after he has found that the numbering of motorboats of such class will not materially aid in their identification;

VI. Jurisdiction of Public Utilities Commission. Already under the jurisdiction of the Public Utilities Commission.

VII. Boy's or girl's camp. A motorboat kept for use in connection with any boy's or girl's camp licensed by the Department of Health and Welfare, provided such motorboat is not rented or offered for hire to the general public.

Sec. 7. Boat liveries. The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel which is designed or permitted by him to be operated as a motorboat; the identification number thereof; and the departure date and time, and the expected time of return. The record shall be preserved for at least 6 months.

Sec. 8. Operation of boats.

I. Reckless or negligent. No person shall operate any motorboat or vessel or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life, limb or property of any person;

II. Intoxication or influence of drugs. No person shall operate a motorboat or vessel or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana;

III. Circular course in certain cases. No person shall operate a motorboat or vessel in a circular course around another motorboat or vessel any occupant of which is engaged in fishing or any person who is engaged in swimming, water skiing, surfboarding or similar activity;

IV. Approach or pass near shoreline. No person shall operate a motorboat or vessel so as to approach or pass within 200 feet of the shoreline of any lake or channel thereof at a place or point where such lake or channel is 500 feet or more in width, except at a minimum speed and for the purpose of trolling or for the purpose of approaching or leaving a dock, pier or wharf on the shore of lake or channel.

Sec. 9. Age restriction for operators. No person under 12 years of age shall operate a motorboat or vessel propelled by machinery unless under the immediate supervision of a person in such motorboat or vessel who is at least 16 years of age.

Sec. 10. Collisions, accidents and casualties.

I. Assistance. It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his vessel, crew and passengers, if any, to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty and to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty;

II. Reports. In the case of collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of \$100, shall file with the Director of Water Safety a full description of the collision, accident or other casualty, including such information as the Director of Water Safety may, by regulation, require. Such report shall not be referred to in any way and shall not be evidence in any judicial proceeding.

Sec. 11. Local regulation prohibited. This chapter and of other applicable laws of this State shall govern the use, operation, equipment, numbering and all other matters relating thereto whenever any vessel shall use the waters of this State, and no subdivision of this State shall regulate or otherwise legislate for any of the subjects dealt with in this chapter.

Sec. 12. Enforcement. Every law enforcement officer in this State shall have the authority to enforce this chapter and in the exercise thereof shall have the authority to stop and board any motorboat or vessel subject to this chapter.

Sec. 13. Disposition of fees. All fees collected by the Director of Water Safety under this chapter, upon receipt thereof by him, shall be forwarded daily to the Treasurer of State, and shall be credited to the funds of the Public Utilities Commission.

Sec. 14. Penalties. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$50 for each such violation.

Sec. 15. Rules and regulations. The Director of Water Safety may make reasonable rules and regulations for the proper administration of this chapter. Whenever he deems it necessary for the protection of life and property, he may prohibit the use of motorboats in certain waters or parts of certain waters. Whenever the Director of Water Safety issues a regulation under this section, he shall advertise the regulation at least one week prior to its effective date in a daily paper having circulation in the county where the waters affected are located, and shall file a copy of the regulation with the Secretary of State prior to its effective date. He shall publish in pamphlet form and distribute free of charge this chapter, together with such rules and regulations.'

Sec. 2. R. S., c. 36-A, repealed. Chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959, and as amended, is repealed.

Sec. 3. R. S., c. 37, § 66, repealed. Section 66 of chapter 37 of the Revised Statutes, as revised, is repealed.

Sec. 4. Effective date. This act shall become effective January 1, 1963.