

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 460

H. P. 333

House of Representatives, January 22, 1963

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Cookson of Glenburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Clarify the State Boating Law.

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

Sec. 1. R. S., c. 36-A, § 2, amended. Section 2 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 and as amended by section 1 of chapter 374, both of the public laws of 1959, is further amended by inserting before the definition of "commissioner" the following paragraph:

'"Bow" means the forward half of the vessel.'

Sec. 2. R. S., c. 36-A, § 2, amended. Section 2 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 and as amended by section 1 of chapter 374, both of the public laws of 1959, is further amended by adding at the end the following paragraph:

'"Water safety zone" means a continuous water area within 200 feet of and along the shoreline of any waters of this State and islands located therein.'

Sec. 3. R. S., c. 36-A, § 3, amended. Section 3 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 and as amended by section 2 of chapter 374, both of the public laws of 1959, is further amended to read as follows:

'**Sec. 3. Operation of unnumbered motorboats prohibited.** Every motorboat on the waters of this State propelled by machinery of more than 10 horsepower, 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~~ the owner 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. R. S., c. 36-A, § 4, repealed and replaced. Section 4 of 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 and the following enacted in place thereof:

'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 \$5. Upon receipt of the application in approved form, the commissioner 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 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. The owner shall paint on or attach to each side of the bow of the boat the identification number assigned which shall conform to the following:

A. The numbers shall be of a color which will contrast with the color of the background so as to provide the highest degree of visibility, i. e.: dark numbers on a light background, or light numbers on a dark background, and be plainly visible at a minimum of 100 feet distance while the boat is afloat.

B. The registration number must be divided into parts. The prefix shall be a letter or letters followed by a combination of numbers and a suffix, containing the letters ME, designating the State of Maine. The group of digits shall be separated from the prefix and suffix by a hyphen or equivalent spaces.

C. The identification numbers shall read from left to right, of good proportion, block character and no less than 3 inches in height, maintained in a legible condition at all times.

D. No number, sign, name or design 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.

II. Numbers permanent. A number once awarded a motorboat licensed under this chapter shall remain permanently assigned to that boat until such boat has either been destroyed, abandoned or permanently removed from this State.

III. Transfer of ownership. Whoever transfers the ownership or discontinues the use of a numbered motorboat or vessel and applies to the commissioner for numbering of another motorboat or vessel within the license period shall be entitled to a 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, properly executed and signed, to the commissioner, showing that the ownership of such motorboat or vessel has been transferred or its use discontinued.

IV. New ownership. If the ownership of a motorboat is changed, the new owner shall register the motorboat in accordance with subsection I.

V. Reciprocity. 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 5, 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.

VI. Duplicate certificate. 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.

VII. Expiration date. Every certificate of number awarded under this chapter shall continue in full force and effect until March 31st of the 3rd year following its issuance.

VIII. Notice of destruction or abandonment. The owner shall furnish the commissioner 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, or permanent removal from this State, 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. Dealer's registration. 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 commissioner for a general distinguishing number. If the commissioner 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 commissioner may determine, and all motorboats owned by such applicant shall be regarded as numbered under such general distinguishing number until sold or exchanged. To be eligible for the renewal of such motorboat deal identification number

the applicant must maintain in the State of Maine a permanent place of business where said applicant is engaged in the business of manufacturing, buying or selling motorboats. The fee for every such certificate of number shall be \$10 for the same period as specified in subsection VII.

Dealers and manufacturers may have the number awarded printed upon or attached to a moveable sign or signs to be temporarily mounted upon or attached to a boat only while being demonstrated or tested so long as the display meets other requirements of this law.

X. Records. All records of the commissioner made or kept pursuant to this section shall be public records.'

Sec. 5. R. S., c. 36-A, § 5, repealed. Section 5 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959, is repealed.

Sec. 6. R. S., c. 36-A, § 6, sub-§ I, repealed and replaced. Subsection I of section 6 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959, is repealed and the following enacted in place thereof:

'I. Exemptions. 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 operated on the waters of this State for a period in excess of 90 consecutive days;'

Sec. 7. R. S., c. 36-A, § 7, amended. Section 7 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959 and as repealed and replaced by section 6 of chapter 335 of the public laws of 1961, is amended by adding at the end of the first paragraph a new sentence to read as follows:

'Any motorboat kept for use or rental in connection with any camp, cottage or real estate shall be considered as kept for hire.'

Sec. 8. R. S., c. 36-A, § 7, amended. The 2nd paragraph of section 7 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959 and as repealed and replaced by section 6 of chapter 335 of the public laws of 1961, is amended to read as follows:

'Every operator of a motorboat propelled by outboard motor and carrying passengers for hire shall be examined by the commissioner, through the warden service as to his qualifications, and if satisfied therewith, the commissioner shall grant him a license for such operation, which license shall expire on the last day of the calendar year in which it is issued unless sooner revoked by the commissioner for intemperance, incompetency or willful violation of ~~duty~~ law. The fee for this license shall be \$1 for a calendar year. The commissioner may grant a renewal of such license upon written application and without further examination. Said license shall be in the possession of the operator at all times when he is carrying passengers for hire in such motorboat.'

Sec. 9. R. S., c. 36-A, § 8, sub-§§ III, IV, repealed and replaced. Subsections III and IV of section 8 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959, are repealed and the following enacted in place thereof:

‘III. Operation near other boats or persons. No person shall operate a motorboat or vessel in a course so near another motorboat or vessel, or person engaged in boating, swimming, water skiing, fishing or other activity as to endanger the other person, persons, property or occupants of the other vessel.

IV. Operating speed. No person shall operate a motorboat or vessel in a water safety zone, except at a reduced speed which is reasonable and prudent. No person shall operate a motorboat or vessel at a speed greater than is reasonable and prudent under the conditions then existing. The speed of a vessel shall be so controlled as to avoid colliding with any object lawfully in or on the water, or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care.’

Sec. 10. R. S., c. 36-A, § 8, sub-§§ V, VI, additional. Section 8 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959, is amended by adding 2 new subsections to read as follows:

‘V. Prohibited in bathing areas. No person shall operate a motorboat in a public bathing area marked or buoyed for bathing.

VI. Age restriction for operators. No person under 12 years of age shall operate a motorboat or vessel propelled by machinery of more than 10 horsepower unless under the immediate supervision of a person in such motorboat or vessel who is at least 16 years of age.’

Sec. 11. R. S., c. 36-A, §§ 8-A - 8-C, additional. 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 further amended by adding 3 new sections to be numbered 8-A to 8-C, to read as follows:

‘Sec. 8-A. Water skiing. It shall be permissible to launch or discharge persons in a water safety zone who are engaged in water skiing, or other similar activity, provided they leave or enter such zone in a reasonably direct manner, without entering or leaving directly into or from another water safety zone, and only when they do so in such a manner that will not endanger the lives, safety or property of others.

No person shall operate a vessel on the waters of this State for the purpose of towing a person or persons on water skis, or similar device, unless there is in such a vessel, in addition to the operator a person of at least 12 years of age who is in a position to continually observe the progress of the person or persons being towed.

No person shall operate a vessel on the waters of this State to tow a person or persons thereon for the purpose of water skiing or similar activity nor shall

any person or persons ride on water skis or such similar devices between the hours of $\frac{1}{2}$ hour after sunset to $\frac{1}{2}$ hour before sunrise.

No person shall ride on water skis or similar device without wearing a life preserver, life belt or similar device.

The provisions of this section pertaining to water skiing shall not apply to a performer or persons engaged in an exhibition, regatta or marine parade authorized under this chapter or its rules and regulations.

Sec. 8-B. Lights on vessels. Every vessel, while in operation on the waters of this State between the hours of $\frac{1}{2}$ hour after sunset to $\frac{1}{2}$ hour before sunrise, shall carry and illuminate a single white light, capable of showing all around the horizon, so as to make its presence known to any and all other vessels within a reasonable distance, or may display the lights required on vessels by the federal regulations or laws prescribed for motorboats.

Sec. 8-C. Regattas, races, exhibitions. Whenever a regatta, race, marine parade, boat or water ski exhibition is proposed to be held on the waters of this State, the person or persons in charge thereof shall request written permission to hold the same from the commissioner at least 15 days prior thereto.

The request shall set forth the date, time and location of said event and it shall not be held or conducted without the authorization of the commissioner.

Any person or organization obtaining such authorization shall be responsible for providing reasonable protection from marine traffic interference and hazards and take reasonable precautions to safeguard the public from any hazards related to such event.

During such an authorized event, the officials conducting the same shall conspicuously display one or more orange warning flags of a size not less than 4 feet by 4 feet while such events are in progress. No vessel other than the participants shall cross or traverse the courses or area of the authorized event when said warning flag is displayed, except in an emergency. The warning flag or flags must be removed for reasonable periods of time during such events to allow other water traffic to pass through such designated courses or areas for any other purpose.'

Sec. 12. R. S., c. 36-A, § 9, repealed. Section 9 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959, is repealed.

Sec. 13. R. S., c. 36-A, § 10, sub-§ II, repealed and replaced. Subsection II of section 10 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959 and as amended by section 7 of chapter 335 of the public laws of 1961, is repealed and the following enacted in place thereof:

'II. Accident report. 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 report same by the quickest means possible to the nearest inland fish and game warden or state police officer, and shall file with the commissioner within 72 hours a full description of the collision, accident or other casualty on forms provided by said commissioner. Such report shall not be referred to in any way, and shall not be evidence in any judicial proceeding. The operator(s) of the vessel(s) involved shall provide the following information:

- A. The number of and the name of vessels involved;
- B. Time, date and locality of accident;
- C. The name, address, age and boat operating experience of the operator of the reporting vessel;
- D. The name and address of the vessel's owner;
- E. The length, propulsion, horsepower, fuel type and construction of reporting vessel;
- F. Weather and water conditions;
- G. Operation of boat at time of accident;
- H. Type, nature of classification of accident;
- I. The nature and extent of injury to any person or persons;
- J. A description of the accident;
- K. The name(s) and address(es) of operator(s) of other vessel(s) or property involved;
- L. The names and addresses of any person or persons injured or killed;
- M. A description of damage to property and estimated cost of repairs;
- N. Names and addresses of known witnesses and assistance furnished;
- O. Physical condition, dress and other data concerning the victim or victims in drowning cases;
- P. Life saving and fire fighting equipment.'

Sec. 14. R. S., c. 36-A, § 12, amended. Section 12 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959, is amended to read as follows:

'Sec. 12. Enforcement. Every law enforcement officer, including inland fish and game wardens, in this State shall have the authority to enforce the provisions of this chapter and in the exercise thereof shall have the authority to stop and board any motorboat or vessel subject to said provisions this chapter.'

Sec. 15. R. S., c. 36-A, § 14, repealed and replaced. Section 14 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 and as amended by section 5 of chapter 374, both of the public laws of 1959, is repealed and the following enacted in place thereof:

'Sec. 14. Penalties.

I. General. Any person who is convicted of any violation of this chapter shall be punished by a fine of not less than \$10 nor more than \$300 for each violation.

II. If death results. If death of any person results from violation of any section, the person convicted thereof shall, in lieu of any other penalty imposed, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months. This section shall not be construed to limit or restrict prosecutions for manslaughter.

III. Accrual of fines, etc. All fines, penalties or officers' costs shall accrue to the Treasurer of State, in accordance with chapter 37, section 129.'

Sec. 16. R. S., c. 36-A, § 15, amended. Section 15 of chapter 36-A of the Revised Statutes, as enacted by section 1 of chapter 349 of the public laws of 1959 and as amended by section 8 of chapter 335 of the public laws of 1961, is further amended to read as follows:

'Sec. 15. Rules and regulations. The commissioner of ~~Inland Fisheries and Game~~ **may establish zones or areas for the purposes of limiting use and speed of boats and** may make reasonable rules and regulations necessary for the proper administration of this chapter. He shall publish ~~this chapter~~ **this chapter** in pamphlet form and distribute it free of charge ~~the provisions of this chapter~~ together with such rules and regulations and ~~also~~ a list of such recommendations pertaining to safety equipment and water traffic rules as he shall deem advisable.

~~The commissioner may establish safety zones for the purpose of limiting use and boat speeds and make reasonable rules and regulations necessary for the proper administration of this chapter.'~~