

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 134

H. P. 118

House of Representatives, January 14, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Kelley of Southport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Clarify the Watercraft Registration and Safety Law.

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

Sec. 1. R. S., T. 17, § 2798, repealed. Section 2798 of Title 17 of the Revised Statutes is repealed.

Sec. 2. R. S., T. 38, § 204, amended. Section 204 of Title 38 of the Revised Statutes is amended to read as follows:

§ 204. Certificate of bureau head and bureau director admissible in evidence

A certificate signed by either bureau head or bureau director, stating what the records of the bureau show on any given matter are admissible in evidence in all courts of this State to prove what the records of the bureau are on that matter.

1. Certificate prima facie evidence person not the holder of a certificate of number, license or permit. A certificate signed by either of the bureau heads or bureau director, stating that the records of the bureau do not show that a particular person on a stated date held a certificate of number, a license or permit issued under this subchapter, as the case may be is admissible in evidence in all courts of this State and is prima facie evidence that the particular person named in the certificate did not hold a certificate of number, license or permit as specified in the certificate on the date specified in the certificate.

2. Certificate prima facie evidence of certificate, license and permit revocation. A certificate signed by either bureau head or bureau director stating that the records of the bureau show that a particular person's certificate, license or permit issued under this subchapter was under revocation or suspension on a particular stated date is admissible in evidence in all courts of

this State and is prima facie evidence that the particular certificate, license or permit state, on the date stated, of the particular person stated was under suspension or revocation.

3. Regulation not proved by this section. This section does not apply to the proof of bureau regulations. Proof of them by certificate is provided in section 232.

Sec. 3. R. S., T. 38, § 205, amended. Section 205 of Title 38 of the Revised Statutes, as repealed and replaced by section 22 of chapter 431 of the public laws of 1965, is amended to read as follows :

§ 205. Enforcement

Inland fish and game wardens, coastal wardens, state police officers, **harbormasters** and all other law enforcement officers of this State have authority to enforce this subchapter and to arrest persons who violate it. Such officers, when in uniform, may stop any watercraft for the purpose of inspecting said craft, its equipment, and its documents or certificates and may board all watercraft where necessary to enforce this subchapter or to make arrests.

Sec. 4. R. S., T. 38, § 232, sub-§ 3, ¶ A, amended. Paragraph A of subsection 3 of section 232 of Title 38 of the Revised Statutes is amended to read as follows :

A. The certified copy must be certified by either of the 2 bureau heads **or the bureau director** and must be accompanied by the signed statement of either bureau head **or the bureau director** that it was in force and effect on the date of the alleged violation.

Sec. 5. R. S., T. 38, § 233, sub-§ 3, ¶ F, repealed and replaced. Paragraph F of subsection 3 of section 233 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof :

F. Motorboats from a country other than the United States, provided the motorboat has not been within this State for a period in excess of 90 consecutive days ;

Sec. 6. R. S., T. 38, § 237, sub-§ 2, amended. Subsection 2 of section 237 of Title 38 of the Revised Statutes is amended to read as follows :

2. Operating under influence prohibited. It is unlawful to operate any watercraft or to operate or manipulate any water skis, surfboard or similar device while intoxicated, or under the influence of **intoxicating liquor**, narcotic drugs, barbiturates or marijuana.

Sec. 7. R. S., T. 38, § 237, sub-§§ 7, 8, 9, additional. Section 237 of Title 38 of the Revised Statutes is amended by adding 3 new subsections to read as follows :

7. Mufflers. All motorboats operated on the waters of this State shall be equipped at all times with an effective and suitable muffling device on the engine or engines thereof to effectively deaden or muffle the noise of the ex-

haust, provided that motorboats which are operating in a regatta or race approved by the bureau under section 238, subsection 2 may use cut outs for such motorboats while on trial runs, or competing in speed events, not to exceed 48 hours immediately preceding or following such an authorized event.

8. Owner's liability with minor operators. The owner of any watercraft being operated by a minor under the age of 18 years on the waters of this State, or any person who rents, furnishes or makes available a watercraft to such a minor, shall be jointly and severally liable with such minor for the safe, prudent and legal operation of said watercraft at all times, as well as liable for any damages caused by the negligence of such a minor in operating said watercraft.

9. Owner's civil liability. The owner of a watercraft shall be liable for any injury or damage occasioned by the negligent operation of such watercraft whether such negligence consists of a violation of the statutes of this State or neglecting to observe such ordinary care in such operation as the rules of common law require. The owner shall not be liable, unless such watercraft is being used with his or her expressed or implied consent. It shall be presumed that such watercraft is being operated with the knowledge and consent of the owner, if at the time of the injury or damage, it is under control of his or her spouse, father, mother, brother, sister, son, daughter or other immediate member of the owner's family. Nothing contained in this subsection shall be construed to relieve any other person from any liability which he would otherwise have, but nothing contained in this subsection shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.