

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 507

H. P. 397

House of Representatives, January 29, 1969

Referred to Committee on Taxation. Sent up for concurrence and 1,500 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Ross of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Provide Boat Registration Fees in Place of Personal Property Tax.

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

Sec. 1. R. S., T. 36, § 655, sub-§ 1, ¶ L, additional. Subsection 1 of section 655 of Title 36 of the Revised Statutes, as amended, is further amended by adding a new paragraph L, to read as follows:

L. Boats duly registered in accordance with Title 38, section 236-A on or before April 1st of each year, provided the owner displays his registration certificate to the municipal assessors on or before that time, or sends them a written signed statement that he is so registered on or before that time.

Sec. 2. R. S., T. 36, § 757-A, repealed. Section 757-A of Title 36 of the Revised Statutes, as enacted by section 2 of chapter 480 of the public laws of 1967, is repealed.

Sec. 3. R. S., T. 38, § 204, sub-§§ 1 & 2, amended. Subsections 1 and 2 of section 204 of Title 38 of the Revised Statutes are amended to read as follows:

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, stating that the records of the bureau do not show that a particular person on a stated date held a certificate of number, a certificate of registration, 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, **certificate of registration** 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 stating that the records of the bureau show that a particular person's certificate, **certificate of registration**, 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, **certificate of registration**, license or permit stated, on the date stated, of the particular person stated was under suspension or revocation.

Sec. 4. R. S., T. 38, § 234, sub-§ 1, amended. The 2nd sentence of subsection 1 of section 234 of Title 38 of the Revised Statutes, as amended by section 3 of chapter 480 of the public laws of 1967, is further amended to read as follows :

Upon receipt of the application in approved form, ~~accompanied by a certificate from the tax collector as provided for in Title 36, section 757-A, in the case of all boats owned by residents of this State and all other boats located in this State at the time of registration~~ together with the proper form, together with the proper fee, the bureau shall enter the same upon the office records and issue the applicant a certificate of number stating the number assigned to the motorboat, its description, the name and address of the owner and such other information as the bureau heads deem appropriate.

Sec. 5. R. S., T. 38, § 234, sub-§ 2, ¶ F, additional. Subsection 2 of section 234 of Title 38 of the Revised Statutes is amended by adding a new paragraph F to read as follows :

F. There is no charge for a certificate of number other than a duplicate for a boat which is then currently registered under section 236-A nor where the owner applies for such registration and sends the appropriate fee concurrently with the application for a certificate of number.

Sec. 6. R. S., T. 38, § 234, sub-§ 7, amended. The 2nd sentence of subsection 7 of section 234 of Title 38 of the Revised Statutes, as amended by section 4 of chapter 480 of the public laws of 1967, is further amended to read as follows :

The owner may renew his certificate of number at expiration by stating the old number in his application, ~~filing a certificate from the tax collector as provided in Title 36, section 757-A, in the case of all boats owned by residents of this State and all other boats located in this State at the time of registration~~ and paying the prescribed fee.

Sec. 7. R. S., T. 38, § 236-A, additional. Title 38 of the Revised Statutes is amended by adding a new section 236-A to read as follows :

§ 236-A. Annual registration fee in lieu of personal property tax

This section applies to all boats regardless of horsepower, except those which are manually propelled, commercial boats over 65 feet in length and

boats held as stock in trade or for demonstration purposes by a boat dealer or manufacturer. All residents of this State who own such boats and all non-resident owners who desire to obtain or are required to obtain a Maine certificate of number under section 233 are required to pay the applicable annual registration fee provided by this section before operating such boat upon the waters of this State.

1. Commercial boats defined. Commercial boats include but are not limited to the following :

- A. Any boat covered by a current resident commercial fishing license under Title 12, section 3801.
- B. Tug boats and barges used for commercial purposes.
- C. All boats having a federal commercial documentation.

2. Boat dealer or manufacturer defined. A boat dealer or manufacturer is a person who has a current dealer's or manufacturer's certificate of number under section 234, subsection 8, or had such a certificate of number for the year next previous.

3. Registration rates. The annual registration rates are as follows :

- A. Class 1. From 0 to and including 10 feet for all boats and from 0 to and including 20 feet for boats other than those propelled by sail which are powered by a motor having 10 horsepower or less \$ 5
- B. Class 2. From 10 to and including 16 feet if a sailboat, or if powered by a motor having more than 10 horsepower \$ 10
- C. Class 3. From 16 feet to and including 20 feet if a sailboat, or if a boat powered by a motor having more than 10 horsepower \$ 15
- D. Class 4. From 20 to and including 26 feet for all boats \$ 20
- E. Class 5. From 26 feet to and including 40 feet for all boats \$ 30
- F. Class 6. From 40 feet to and including 65 feet for all boats \$ 50
- G. Class 7. All boats which are over 65 feet \$100

4. 60% if registered on or after August 1st; fee to replace lost decals or registration certificate. The fee for registration of any boat on or after August 1st is 60% of the applicable amount in subsection 3. The fee to replace a lost or destroyed decal or registration certificate is \$1.

5. Determination of length. The length of the boat provided by this section is determined by measuring from end to end over the deck excluding sheer. It is the straight line measurement of the overall length from the foremost part of the boat to the aftermost part measured parallel to the centerline, excluding outboard motors, brackets, bowsprits, rudders and similar attachments.

6. **Registration year.** The registration year begins January 1st and ends December 31st of each year.

7. **Application, payment and disposition of registration fees.** Registration fees are paid to the Bureau of Watercraft Registration and Safety, accompanied by an application form provided by the bureau.

A. Application. The application is to contain a description of the boat, its current certificate of number if one has been issued, the manufacturer's hull number if available, the federal documentation number if any, the legal residence and address of the owner, a place where the applicant may request the municipal share of the registration fee be paid to the Maine municipality where the boat is principally used, and the name of that municipality, and such other information as the bureau head may decide is necessary or convenient to enforce the law.

B. Disposition of fees. The bureau retains \$2.50 of each fee to cover the cost of administration of boat registration, enforcement of the Maine Boat Law, and educational programs to promote water safety. The balance of each fee is disposed of as follows: If either a resident or nonresident owner requests on his application that the Maine municipality of principal use of his boat be paid the excess registration fee, then the bureau shall send it to the treasurer of that municipality. If a Maine resident does not so specify, the bureau shall send it to the treasurer of the municipality of the owner's residence. If a nonresident does not so specify, the bureau shall retain the entire registration fee for the same purposes as the initial \$2.50. The bureau shall pay the municipalities at least quarterly. The legislative body of the municipality may appropriate the money for any purpose for which it may appropriate municipal tax money, except that 25% thereof must be appropriated to obtain, build, improve or maintain public boat landings, or facilities, or for some other community recreational purpose. The bureau retains all fees required from reissuance of lost or destroyed decals or certificates.

8. **Bureau to supply owner with registration certificate.** Upon receipt of a properly executed application, together with the appropriate registration fee, the bureau shall execute and send to the owner a certificate of registration, which certificate of registration is to contain the name and address of the owner, a description of the boat, including its length as determined by the method provided in subsection 5, its identification numbers issued under section 233, if any, its federal documentation number, if any, the date of issuance, and such other necessary or convenient information as the bureau heads find necessary to better enforce this law.

A. Certificate of registration nontransferable. The registration certificate provided in this section is nontransferable and when the ownership of a boat is changed another registration must be obtained in the same manner as a new registration

B. Bureau heads to design decal which must be displayed. The bureau heads shall design a distinctive decal for each calendar year coded or marked for the classes of boats under subsection 3. The owner shall attach his

decal to each side of the boat in front of the identification numbers. If the boat is not required to display identification numbers, the owner shall display the decal on each side of the boat in accordance with the then current regulation adopted in accordance with sections 231 and 232.

C. Unlawful to operate boat without displaying proper decal. It is unlawful to operate any boat which is required to be registered under this section upon any of the waters of this State, unless a current, valid decal is displayed in accordance with paragraph B. Any such decal displayed on a boat which shows a lower class than its length or motor horsepower require under subsection 3 of this section is invalid and unlawful, but a higher class is valid.

9. Unlawful to operate boat without a current registration. It is unlawful to operate any boat required to be registered under this section upon any waters of this State which does not have a current valid registration as provided by this section.

10. Boats duly registered on or before April 1 exempt from personal property tax. Any boat duly registered on or before April 1st of each year is exempt from all municipal personal property taxes, provided the owner displays his registration certificate to the municipal assessors on or before that time, or sends them a written signed statement that he has one on or before that time.

Sec. 8. Effective date. This Act shall become effective on January 1, 1970.