

MAINE STATE LEGISLATURE

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(NEW TITLE)
NEW DRAFT OF: H. P. 397; L. D. 507

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1569

H. P. 1236

House of Representatives, June 4, 1969

Reported by Mr. Ross from Committee on Taxation. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Extend Registration Coverage and to Provide Increased Fees in
Lieu of Personal Property Tax on Certain Watercraft.

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

Sec. 1. R. S., T. 17, § 2493-A, additional. Title 17 of the Revised Statutes is amended by adding a new section 2493-A, to read as follows:

§ 2493-A. Injuring or tampering with watercraft

Whoever shall willfully break, injure, tamper with or remove any part or parts of any watercraft, or any equipment or property aboard any watercraft, against the will or without the consent of the owner of such watercraft shall be punished by a fine of not less than \$1,000 nor more than \$5,000 and by imprisonment for not less than one year nor more than 5 years.

Sec. 2. 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. All undocumented watercraft while covered by a valid certificate of number and all documented watercraft for which the annual fee has been paid and an official fee receipt issued, under Title 38, sections 233 and 234.

Sec. 3. R. S., T. 36, § 757-A, repealed.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757-A of Title 36 of the Revised Statutes, as enacted by section 2 of chapter 480 of the public laws of 1967, is repealed.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. 4. R. S., T. 38, § 201, sub-§§ 5-A - 5-B, additional. Section 201 of Title 38 of the Revised Statutes is amended by adding 2 new subsections, 5-A and 5-B, to read as follows:

5-A. Commercial watercraft. "Commercial watercraft" means:

A. Any watercraft used only for commercial fishing under a license issued under Title 12, section 3901.

B. Tugboats, barges and other vessels used only for commercial purposes.

5-B. Documented watercraft. "Documented watercraft" means any watercraft which is covered by a valid United States marine document issued by an agency of the United States Government.

Sec. 5. R. S., T. 38, § 201, sub-§ 6-A, additional. Section 201 of Title 38 of the Revised Statutes is amended by adding a new subsection 6-A, to read as follows:

6-A. Length. "Length" means the distance measured from end to end over the deck, excluding sheer. It is the straight line measurement of the overall length, stated in feet and inches, from the foremost part of the vessel to the aftermost part measured parallel to the centerline, excluding outboard motors, brackets, bowsprits, rudders and similar attachments.

Sec. 6. R. S., T. 38, § 201, sub-§ 12-A, additional. Section 201 of Title 38 of the Revised Statutes is amended by adding a new subsection 12-A, to read as follows:

12-A. Sailboat. "Sailboat" means a watercraft which is or may be propelled by the wind.

Sec. 7. R. S., T. 38, § 201, sub-§ 13, repealed and replaced. Subsection 13 of section 201 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

13. Undocumented watercraft. "Undocumented watercraft" means any watercraft which is not a documented watercraft.

Sec. 8. R. S., T. 38, § 203, sub-§ 1, amended. Subsection 1 of section 203 of Title 38 of the Revised Statutes is amended to read as follows:

1. Fees collected. ~~All~~ Subject to section 233, subsection 3, all fees collected for certificates, licenses and permits by the bureau are paid daily to the Treasurer of State and accrue to the Watercraft Fund provided in this section.

Sec. 9. R. S., T. 38, § 206, amended. Section 206 of Title 38 of the Revised Statutes is amended to read as follows:

§ 206. Penalties

Whoever violates any provisions of this subchapter or any regulation adopted under authority of this subchapter, or knowingly makes or causes to be made any false or misleading statement on any application or report re-

quired by any provision of this subchapter, shall be guilty of a misdemeanor and, if no specific penalty is provided for the particular offense, shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment for not more than 90 days, or by both.

Sec. 10. R. S., T. 38, §§ 233-234, repealed and replaced. Sections 233 and 234 of Title 38 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof:

§ 233. Registration; fees

1. Registration. Every watercraft located within the State or on its waters shall be subject to this subchapter, except for the following watercraft which are exempt:

A. A watercraft whose sole means of propulsion is manual or which is less than 10 feet in length and propelled by sail or machinery of 10 horsepower or less.

B. A watercraft covered by a current certificate of number issued under a federally approved numbering system of another state or issued under a federal law which is not a "Maine" number having an "ME" prefix, providing the number so issued is displayed on the watercraft; a documented watercraft whose official home port is located outside the State or a watercraft from a country other than the United States of America; provided in each case that the watercraft has not been within the State for a period in excess of 90 days or has been brought within the State solely for the purposes of storage or repairs;

C. A watercraft whose owner is the United States, a state or subdivision thereof;

D. A ship's lifeboat;

E. Commercial watercraft 65 feet or more in length;

F. Watercraft held as stock in trade or for demonstration purposes by a watercraft dealer or manufacturer; except that such watercraft when being operated on the waters of the State shall display a dealer's identification number.

Undocumented watercraft shall be registered with the bureau and shall comply with all applicable requirements of this subchapter. Documented watercraft shall not be registered with the bureau, but annual fees shall be paid for such watercraft and they shall comply with all applicable requirements of this subchapter.

2. Fees. The annual fees due on or before January 1st of each year are as follows:

A. Class 1. For any watercraft subject to this subchapter and less than 17 feet in length \$ 10.00

B. Class 2. For any watercraft 17 feet or more, but less than 21 feet, in length	20.00
C. Class 3. For any watercraft 21 feet or more, but less than 26 feet, in length	30.00
D. Class 4. For any watercraft 26 feet or more, but less than 40 feet, in length	50.00
E. Class 5. For any watercraft 40 feet or more, but less than 65 feet, in length	100.00
F. Class 6. For any watercraft 65 feet or more in length	150.00
G. Dealer's or manufacturer's certificate of number	10.00
H. Any duplicate certificate of number or set of validation decals	1.00
I. Certificate of number issued with transfer of ownership	2.50
J. On and after September 1st of any year, the fees under paragraphs A to F shall be 50% of the amount stated.	

3. Disposition of fees. All fees collected by the bureau hereunder shall be disposed of as follows: The bureau shall retain \$2 for each fee under paragraphs A to F for the purpose of defraying the cost of administration and enforcement of this chapter and for the promotion of watercraft safety, which sum shall accrue to the Watercraft Fund under section 203. The balance of each such fee shall be paid to the municipality specified by the owner in his application or statement as the municipality of principal use of his watercraft. If a Maine resident owner does not so specify, such balance shall be paid to the municipality of his residence, or in the case of a Maine resident of the unorganized area, to the State Bureau of Taxation for credit to the General Fund. If a nonresident owner does not so specify, such balance shall be paid to the municipality where the watercraft was located on the date of such application. The bureau shall retain all fees for duplicate certificate of number or validation decals and all fees for transfers of ownership under paragraphs H and I. The bureau shall pay each municipality all moneys to which it is entitled hereunder annually.

4. Documented watercraft; receipt. All owners of documented watercraft shall pay annually the fee specified by subsection 2 for each documented watercraft subject to this subchapter. All such fees shall be due on January 1st of each year. Each fee shall be accompanied by a statement by the owner giving the exact length of each documented watercraft owned and its official document number. The bureau shall provide forms for such statements and shall issue an official fee receipt for each payment hereunder. The receipt shall be available at all times for inspection on the watercraft for which issued when it is in operation.

§ 234. Application, display of certificate of number and annual validation decals

1. Application. The owner of an undocumented watercraft shall make application for a certificate of number to the bureau on forms approved by

the bureau. Upon receipt of the application in approved 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 identification number assigned to the watercraft, its description, the name and address of the owner and such other information as the bureau deems appropriate. Any watercraft covered by a "Maine" number having an "ME" prefix, pursuant to federal law shall be entitled to retain and display such number as its identification number hereunder. Together with each original certificate of number issued hereunder, except a dealer's certificate, the bureau shall furnish a pair of validation decals, of size and appearance determined by the bureau, which shall be affixed to the watercraft covered by such certificate and displayed as provided hereunder. The certificate of number shall be pocket size and available at all times for inspection on the watercraft for which issued when it is in operation.

2. Certificate or receipt to be available on boat. The operation shall have the certificate of number for an undocumented watercraft or the official fee receipt for a documented watercraft available for inspection on the watercraft for which issued at all times whenever the watercraft is in operation.

A. It is unlawful to operate such a watercraft or to permit any person to operate such a watercraft on any waters within the jurisdiction of this State without a current certificate of number or current official fee receipt.

B. If the operator of such watercraft fails to produce a current certificate of number or current official fee receipt for the watercraft he is operating within a reasonable time after demand of a law enforcement officer authorized to enforce this law, it is prima facie evidence that the watercraft is being operated without a current certificate of number or current official fee receipt.

3. To display identification number and annual validation decals. It is unlawful to operate or give permission to operate an undocumented watercraft on any waters within the jurisdiction of this State unless the identification number and annual validation decals assigned by the bureau and authorized by this subchapter are displayed on each side of the bow of the watercraft in the following manner:

A. The identification numbers must be painted or permanently attached to the hull and be of a color which is in contrast to the color of the background so as to provide the highest degree of visibility, i.e., dark numbers on a light background or vice versa, and be plainly visible.

B. The validation decals must be permanently attached to the hull in such positions and in such a manner as the bureau by regulation shall prescribe.

C. The bureau may by regulation exempt any class of watercraft otherwise subject to these provisions from the requirement of displaying an identification number if under federal law such a vessel is exempted from numbering requirements or if the display of numbers would not materially aid in identification of the vessel.

D. A dealer's number may be temporarily attached to the bow of any watercraft covered by his dealer's certificate of number.

E. The identification number must be displayed in 3 parts. The prefix which is the initial letters ME, designating the State of Maine, is to be separated by a hyphen or a space equivalent to a letter from the numerals which follow it. The suffix which consists of the ending letter or letters which appear after the numerals is to be likewise separated from the numerals.

F. The identification number must be displayed to read from left to right, of good proportion, with block character capital letters and Arabic numerals, all of which must be less than 3 inches in height and maintained in a legible condition at all times.

G. No number other than the assigned identification number shall be displayed on the bow of such watercraft.

H. Nothing in this subchapter shall prohibit the temporary covering of identification numbers and validation decals while hunting waterfowl during the open season.

4. Numbering at request of owner. Nothing in this section shall prohibit the issuance of a certificate of number for an undocumented watercraft upon the request of the owner.

5. Expiration date, renewal. Every certificate of number issued under this subchapter continues in force for the calendar year in which issued. The owner may renew his certificate of number by filing a proper application and paying the proper annual fee.

6. Numbers permanent. An identification number once awarded under this subchapter to a watercraft remains with that watercraft until the watercraft is permanently destroyed, abandoned or removed from this State.

7. Transfer of ownership. Whoever transfers ownership or permanently discontinues the use of a watercraft for which a certificate of number or official fee receipt already has been issued under this subchapter, and makes application for a replacement watercraft, is entitled to a new certificate of number or official fee receipt upon payment of a transfer fee of \$2.50, as set forth in section 233, subsection 2, paragraph I, together with any difference in fee arising from a higher fee class applicable to such other watercraft, provided that after September 1st, credit shall be given for only $\frac{1}{2}$ of the fee earlier paid. No refunds of fees will be made if such replacement watercraft is in a lower fee class than that which was transferred or permanently discontinued. Each application or statement hereunder shall be accompanied by the old certificate of number or official fee receipt properly signed and executed, showing that ownership of the watercraft has been transferred or its use permanently discontinued.

8. New ownership. If there is a change of ownership of an undocumented watercraft for which a certificate of number has previously been issued under this subchapter, the new owner shall apply for a new certificate of number and set forth the original identification number in his application. If there is a change of ownership of a documented watercraft, the new owner shall pay

the required fee immediately and prior to operating such watercraft upon the waters of this State. In each case the new owner shall pay the regular fee for the particular watercraft involved and is not entitled to the special transfer fee provided in subsection 7.

9. Duplicate certificate. The holder of any certificate of number issued under this subchapter may obtain a duplicate from the bureau upon application and payment of the fee set forth in section 233, subsection 2, paragraph H.

10. Replacement validation decals. The holder of any valid certificate of number issued under this subchapter may obtain a replacement set of validation decals to replace any original validation decals lost or destroyed upon application to the bureau and payment of the fee set forth in section 233, subsection 2, paragraph H. Such application shall state clearly that the original validation decals issued hereunder are in fact permanently lost or destroyed, shall briefly describe the circumstances of their loss or destruction and shall be signed by the owner of the watercraft involved.

11. Dealer's and manufacturer's certificate of number. Any manufacturer or dealer of new or used watercraft who has a permanent place of business in this State for the manufacture or sale of watercraft may, instead of obtaining a certificate of number for each watercraft owned by him, make application on forms provided by the bureau for a dealer's certificate of number.

A. If the applicant pays the fee provided in section 233, subsection 2, paragraph G for a dealer's certificate of number, and satisfies the bureau that he is otherwise qualified for a dealer's certificate of number, the bureau shall issue the same to him.

B. The dealer's certificate of number must contain the place of residence and the place of business of the applicant and a general distinguishing number in such form as determined by the bureau.

C. The dealer or manufacturer shall display the identification number issued under his dealer's certificate of number on any undocumented watercraft being demonstrated or tested and may transfer such number from one such watercraft owned by him to another such watercraft owned by him by temporarily attaching the number to the watercraft as provided in subsection 3, paragraph D.

D. A dealer or manufacturer may obtain duplicates of his dealer's certificate of number upon application and payment of \$1 for each duplicate certificate in order that he may readily comply with subsections 2 and 3.

E. The bureau may issue temporary watercraft numbers to bona fide dealers who request them under such rules as it may deem necessary and shall receive 50c for each temporary plate. Upon the sale or exchange by a dealer of any watercraft which requires numbering, the new owner may secure from him a temporary watercraft number to operate said craft for a single period of 10 consecutive days only after the date of sale in lieu of a permanent watercraft number, provided that the owner shall make application on the date of sale for a certificate of watercraft number by the

bureau. Said application and fee for certificate of watercraft number, together with a copy of the temporary registration issued by the dealer, shall be forwarded by said dealer to the bureau within 48 hours after the date of sale or said watercraft. The dealer shall affix the temporary watercraft number to the bow of the watercraft and shall clearly mark thereon the date issued, date of expiration and his Maine dealer's number. The temporary watercraft number is nontransferable and must be conspicuously displayed on the bow of the watercraft notwithstanding any other requirements of display of watercraft number. The operator of said craft must have the temporary registration aboard at all times while the watercraft is in operation. After the expiration of the 10-day period, the owner must remove and discard the temporary watercraft number and display the permanent watercraft number assigned by the bureau in accordance with this subchapter.

12. **Public records.** All records made by the bureau pursuant to this section are public records.

Sec. 11. R. S., T. 38, § 235, amended. Section 235 of Title 38 of the Revised Statutes is amended to read as follows:

§ 235. Notice of destruction, abandonment, removal, transfer of ownership, change of address

The owner of any ~~motorboat~~ **watercraft** which has been issued a certificate of number shall notify the bureau in writing of the transfer of all or any part of his interest, other than the creation of a security interest, in the ~~motorboat~~ **watercraft** covered by the certificate, of its permanent removal from the State, or of its destruction or abandonment. He shall notify the bureau of any change in his address. The owner shall give the notice within 10 days after the happening of the applicable event.

1. **Termination.** The transfer, permanent removal from the State, abandonment or destruction, terminates the certificate of number, except the transfer of a partial interest which does not affect the original owner's right to operate the ~~motorboat~~ **watercraft** does not terminate the certificate of number.

Sec. 12. Effective date; exception. This Act, except section 1 which shall become effective 90 days after adjournment of the Legislature, shall become effective on January 1, 1971, except that all certificates of number issued prior to January 1, 1971 will expire on December 31, 1970 and fees for new certificates of number or renewals issued by the bureau during the calendar year 1970 shall be 50% of the applicable fees provided for in the Revised Statutes, Title 38, section 234.