

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 2110**

H. P. 1922

House of Representatives, January 27, 1976

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

EDWIN H. PERT, Clerk

Presented by Mr. Wilfong of Stow.

Cosponsors: Mr. Hobbins of Saco and Mr. LaPointe of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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**AN ACT to Provide for Registration and Identification of Recreational  
Watercraft in the Saco River Corridor and to Provide Operating  
Revenues for the Saco River Corridor Commission.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the regular session of the 107th Legislature appropriated funds to the Saco River Corridor Commission sufficient only for fiscal year 1975-76; and

Whereas, this legislative proposal provides partial funding for the commission; and

Whereas, it is possible that this Act may not become effective by the beginning of fiscal year 1976-77 unless enacted as an emergency; and

Whereas, it is vital to provide an uninterrupted flow of funds to continue the protective and regulatory work of the Saco River Corridor Commission during fiscal year 1976-77; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore.

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

Sec. 1. 12 MRSA § 2061, sub-§ 14-A is enacted to read:

14-A. Saco River Corridor. "Saco River Corridor" for the purposes of this chapter means the fresh water portions of the Saco, Ossipee and Little Ossipee Rivers from the New Hampshire border to the landward side of the rock jetty in Saco Bay.

Sec. 2. 12 MRSA § 2063, sub-§§ 1 and 3, as enacted by PL 1973, c. 734, § 1, are repealed and the following enacted in place thereof:

1. Fees collected. Except as provided in section 2088, all fees collected for certificates, licenses and permits by the division are paid daily to the Treasurer of State and accrue to the Watercraft Fund, Department of Inland Fisheries and Wildlife.

3. Disbursement of revenues. Except as provided in section 2088, all revenues collected under this chapter, including fines, fees and other available moneys, less all administrative costs of the Division of Watercraft Registration and Safety, will be disbursed for each fiscal year, when final accounting records are determined for that fiscal year, to the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, in proportion to all revenues collected by the division during each fiscal year on the basis of watercraft registered for use on the internal or federal waters, or both of this State as reported to the U.S. Coast Guard, the former being retained by the Department of Inland Fisheries and Wildlife and the latter by the Department of Marine Resources, to help defray the costs of enforcing this chapter.

Sec. 3. 12 MRSA c. 308, sub-c. III is enacted to read:

### SUBCHAPTER III

#### REGISTRATION CERTIFICATE

§ 2085. Saco River Corridor; certificate required

The following provisions apply to every watercraft greater than 11 feet in length used on the waters of the Saco River Corridor, except those watercraft specifically exempted under subsection 3.

1. Owner must register watercraft; registration to be available on boat. The owner of any such watercraft shall obtain a registration certificate and validation sticker before using or giving permission to use the watercraft on any of the waters within the Saco River Corridor. The user shall have the certificate available for inspection on the watercraft for which issued at all times whenever the watercraft is in use.

A. It is unlawful to use a watercraft on any waters within the Saco River Corridor without a current registration certificate.

B. If the operator of such a watercraft fails to produce a current registration certificate for the watercraft he is using 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 used without a current registration certificate.

C. The registration certificate for watercraft leased or rented to another for the latter's noncommercial use may be retained on shore by the owner of the watercraft or his representative at the place where watercraft departs or returns in the possession of the owner or his representative, provided that the person leasing or renting the watercraft has a copy of the lease or rental agreement which shows the watercraft number thereon and the period of time for which the watercraft is leased or rented and signed by the owner or his representative.

D. Only the registration certificate as issued by the division is valid. A facsimile or copy of the certificate is not valid.

2. Display of validation stickers. It is unlawful to use or to give permission to use a watercraft on any waters within the Saco River Corridor unless the validation stickers assigned by the division and authorized by this subchapter are displayed on each side of the bow of the watercraft.

3. Watercraft exempt from the provisions of this section. The following watercraft are exempt from this section:

A. A watercraft subject to section 2069;

B. A watercraft listed as exempt under section 2069, subsection 3; and

C. An inflatable watercraft is exempt from the requirement that validation stickers must be displayed on the bow of the watercraft, but validation stickers must at all times be carried with any such watercraft when in use.

4. Validation stickers. Nothing in this section shall prohibit the registration and issuance of validation stickers for any watercraft upon the request of the owner. The owner shall comply with all applicable requirements of this chapter if he chooses to register his watercraft.

#### § 2086. Application and issuance; fees

The provisions of this section apply to the owners of all watercraft requiring registration as provided in section 2085.

1. Application certificate. The owner shall make application to the division or agent appointed by the commissioner on forms approved by the division. Such application shall show the legal residence of the applicant and the place where the watercraft is situated. Upon receipt of the approved application with the proper fee, the division or agent shall enter the same upon records to be filed with the division and issue the applicant a registration certificate stating the number assigned to the watercraft, its description, the name and address of the owner and such other information as the division deems appropriate, along with 2 validation stickers showing the registered number of the watercraft. The registration certificate must be pocket size and

available at all times for inspection on the watercraft for which issued when it is in use.

2. Fees. The fee for each registration certificate with 2 validation stickers for all watercraft requiring registration certificate and validation stickers under this subchapter is \$5.

3. Expiration date. Every registration certificate issued under this subchapter continues in force until December 31st of the year in which it is issued.

4. Public records. All records made by the division pursuant to this subchapter are public records.

§ 2087. Notice of destruction, abandonment, removal, transfer of ownership, change of address

1. Owner. The owner of any watercraft which has been issued a registration certificate pursuant to this subchapter shall notify the division in writing of the transfer of all or any part of his interest, other than the creation of a security interest, in the watercraft covered by the certificate, or of its destruction or abandonment and the theft or recovery of the watercraft. He shall notify the division of any change in his address. The owner shall give the notice within 10 days after the happening of the applicable event.

2. Termination of registration. The transfer, abandonment or destruction of the watercraft, supplying of false or fraudulent information on application, nonpayment of the required fee, or the involuntary loss of the owners' interest in the watercraft due to legal process, terminates or invalidates the registration certificate. In any of the foregoing conditions, the registration certificate issued by the division shall be returned within 10 days. The transfer of a partial interest which does not affect the original owner's right to operate the watercraft does not terminate or invalidate the registration.

3. Sale or transfer. Upon sale or transfer of ownership of any registered watercraft, the owner or dealer shall remove and destroy any validation stickers on that craft. The validation sticker is nontransferable.

§ 2088. Administration; agents

1. Town clerks or agents to issue. For the purpose of issuing registration certificates and validation stickers under this subchapter, the commissioner may appoint clerks of towns or such other agents as are appointed for the issuance of fishing or hunting licenses as he deems necessary and shall determine the period during which they shall act.

2. Fee. The registration certificate and validation stickers may be issued by the division or the clerk or agent to whom application is made upon payment of a fee of \$5, of which 50¢ shall be retained by the town clerk or agent.

3. Funds forwarded monthly. Each agent shall forward to the division on the first day of each calendar month all of the funds collected by him during the previous calendar month, together with the information required to be

supplied by section 2086 and the number of the registration certificate and validation stickers issued to each individual.

4. Funds deposited to Saco River Corridor Commission account. The funds received by the division under this subchapter shall be deposited to the account of the Saco River Corridor Commission. Each agent shall be entitled to retain 50¢ for each license issued. The division shall deduct from the moneys deposited to the account of the Saco River Corridor Commission, 5% of all such moneys to cover the costs of administration. All moneys so deducted shall be paid to the Treasurer of State and accrue to the Watercraft Fund, Department of Inland Fisheries and Wildlife.

5. Accounting of funds. The division shall, for each fiscal year, when final accounting records are determined for that fiscal year, file with the Department of Finance and Administration and the Saco River Corridor Commission an account of the funds collected and disbursed under this subchapter.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

This bill will ensure that a portion of the costs of operating the Saco River Corridor Commission is borne by a group which directly benefits from the operation of the Saco River Corridor Act. It will also facilitate enforcement of the watercraft safety laws and provide data on which to base recreational planning in the Saco River Corridor area. It will also serve to protect canoe owners from theft or other loss of their watercraft.