

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1416

S.P. 533

In Senate, April 4, 1991

Reference to the Committee on Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TITCOMB of Cumberland
Cosponsored by Representative LARRIVEE of Gorham, Representative JACQUES of
Waterville and Representative SIMPSON of Casco.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Require All Watercraft Used on Inland Waters to Have Maine
Registrations.**



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

2
4 Sec. 1. 12 MRSA §7794, sub-§1, as amended by PL 1983, c. 632,
Pt. A, §1, is further amended to read:

6 1. Watercraft requiring. The owner of every motorboat,
8 including airmobiles, used on the waters of the State as the
state of principal use and of every other watercraft used on
10 inland waters shall obtain a certificate of number for the
~~meterbeat~~ watercraft from the commissioner. Beginning March 31,
12 1984 no certificate of number may be issued unless the owner
submits proof that the watercraft excise tax, assessed under
14 Title 36, chapter 112, has been paid or that the ~~beat~~ watercraft
~~meterbeats~~ watercraft are exempt from this section:

16 A. A watercraft which has or is required to have a valid
18 marine document as a watercraft of the United States;

20 B. A ~~meterbeat~~ watercraft already covered by a current
22 certificate of number issued under a federally approved
numbering system of another state or a federal law, provided
24 that the number so issued is displayed on the ~~meterbeat~~
watercraft and provided that the ~~meterbeat~~ watercraft has
26 not been within this State for a period in excess of 60
consecutive days after the state of principal use has been
28 changed;

30 C. Military or public watercraft, except recreational type
watercraft of the United States;

32 D. A ~~meterbeat~~ watercraft whose owner is the United States,
34 a state or subdivision thereof which is used for
governmental purposes and which is clearly identifiable as
such;

36 E. A ship's lifeboat;

38 F. ~~Meterbeats~~ Watercraft from a country other than the
40 United States, provided the ~~meterbeat~~ watercraft has not
42 been within this State for a period in excess of 60
consecutive days; and

44 G. ~~Meterbeats~~ Watercraft used exclusively for racing
46 purposes which display on their hulls in a prominent manner
a valid boat number issued by a recognized racing
48 association.

50 Sec. 2. 12 MRSA §7794, sub-§3, ¶A, as enacted by PL 1979, c.
420, §1, is amended to read:

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A. Upon receipt of the approved application with the proper fee, the commissioner shall enter the application upon the office records and issue the applicant a pocket-sized certificate of number stating:

- (1) The number assigned to the ~~motorboat~~ watercraft;
- (2) Its description;
- (3) The name and address of the owner; and
- (4) Such other information as the commissioner deems appropriate.

Sec. 3. 12 MRSA §7794, sub-§5, ¶¶A and B, as enacted by PL 1979, c. 420, §1, are amended to read:

A. The operator shall have the certificate of number available for inspection on the ~~motorboat~~ watercraft for which issued at all times, whenever the ~~motorboat~~ watercraft is in operation.

B. The identification number and validation stickers assigned by the commissioner and authorized by this subchapter shall be displayed on each side of the bow of the boat in the following manner:

- (1) The identification numbers must be painted or permanently attached to the bow 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;
- (2) 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 space equal to the width of a letter, other than the letter "I," 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;
- (3) The identification number must be displayed to read from left to right, of good proportion, with vertical block character capital letters and Arabic numerals, all of which ~~must~~ may not be less than 3 inches in height, and maintained in a legible condition at all times;

2 (4) No number other than the assigned beat number
3 shall may be displayed on the bow of such a meterbeat
4 watercraft; and

6 (5) The validation sticker, as issued by the division,
7 must be displayed approximately 3 inches behind the
8 last letter of the identification number and on a level
9 with the number on both sides of the bow ~~viz.,~~
10 ME-123-A; and.

12 ~~(6)---Nothing---in---this---section---shall---prohibit---the~~
13 ~~numbering---of---any---watercraft---upon---the---request---of---the~~
14 ~~owner.---The---owner---shall---comply---with---all---applicable~~
15 ~~requirements---of---this---subchapter---if---he---chooses---to---number~~
16 ~~his---watercraft.~~

18 Sec. 4. 12 MRSA §7794, sub-§6, as enacted by PL 1979, c. 543,
19 §70, is amended to read:

20 6. **Numbers permanent.** A number once awarded under this
21 subchapter to a meterbeat watercraft remains with that beat
22 watercraft until the beat watercraft is destroyed, abandoned,
23 permanently removed or no longer principally used in this State,
24 except that numbers that have been inactive for at least 7 years
25 may be reissued by the division.

28 Sec. 5. 12 MRSA §7794, sub-§7, as amended by PL 1989, c. 913,
29 Pt. B, §11, is further amended to read:

30 7. **Transfer of ownership.** Whoever transfers ownership of a
31 meterbeat watercraft for which a certificate of number has
32 already been issued under this subchapter and applies for a
33 certificate of number for another meterbeat watercraft is
34 entitled to a new certificate of number upon payment of a
35 transfer fee of \$2 as set forth in subsection 4, paragraph D,
36 provided the applicant returns to the commissioner the old
37 certificate of number properly signed and executed, showing that
38 ownership of the meterbeat watercraft has been transferred.

40 Sec. 6. 12 MRSA §7794, sub-§8, as enacted by PL 1979, c. 420,
41 §1, is amended to read:

44 8. **New ownership.** If there is a change of ownership of a
45 meterbeat watercraft for which a certificate of number has
46 previously been issued under this subchapter, the new owner shall
47 apply for a new certificate of number and set forth the original
48 beat number in his the application. He The new owner shall pay
49 the regular fee for the particular meterbeat watercraft involved
50 and is not entitled to the special transfer fee set forth in
51 subsection 7.

2 **Sec. 7. 12 MRSA §7795, sub-§§1 and 4**, as enacted by PL 1979, c.
420, §1, are amended to read:

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6 **1. Application.** Any manufacturer or dealer of new or used
meterbeats watercraft who has a permanent place of business in
8 this State for the manufacture or sale of meterbeats watercraft
may, instead of obtaining a certificate of number for each
10 meterbeat watercraft owned by--him, make application on forms
provided by the commissioner for a dealer's certificate of number.

12 **4. Restrictions.** The dealer or manufacturer shall display
the number and validation stickers issued under his the dealer's
14 certificate of number on the meterbeat watercraft being
demonstrated or tested and may transfer that number from one
16 meterbeat watercraft owned by him the dealer or manufacturer to
another meterbeat watercraft owned by him the dealer or
18 manufacturer by temporarily attaching removable plates, on which
a dealer's number and validation stickers may be painted or
20 attached, to the bow of any beat watercraft covered by his the
dealer's certificate of number.

22 **Sec. 8. 12 MRSA §7796, sub-§3**, as amended by PL 1989, c. 493,
24 §55, is further amended to read:

26 **3. Use of 10-day plates.**

28 A. Upon the sale or exchange by a dealer of any meterbeat
30 watercraft which requires numbering, the new owner may
secure from the dealer a temporary 20-day beat number and
32 registration to operate the craft for one period of 20
consecutive days only after the date of sale in lieu of a
34 permanent beat number as required in section 7794, provided
the owner shall--make makes application to the commissioner
on the date of sale for a certificate of beat number.

36 B. The application and fee for certificate of beat number,
38 together with a copy of the temporary registration issued by
the dealer, shall must be forwarded by the dealer to the
40 commissioner within 48 hours after the date of sale of the
meterbeat watercraft.

42 C. The dealer shall affix the temporary 20-day beat number
44 to the bow of the meterbeat watercraft and shall clearly
mark thereon the date issued, date of expiration and the
46 dealer's Maine dealer's number.

48 **Sec. 9. 12 MRSA §7796, sub-§4, ¶A**, as amended by PL 1989, c.
50 493, §55, is further amended to read:

52 A. The temporary 20-day beat number is nontransferable and
shall must be conspicuously displayed on the bow of the

meterbeat watercraft, notwithstanding any other requirements of display of beat number.

Sec. 10. 12 MRSA §7796, sub-§4, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. The operator of a meterbeat watercraft shall have the temporary registration aboard at all times while the meterbeat watercraft is in operation.

Sec. 11. 12 MRSA §7797, sub-§2, as amended by PL 1981, c. 158, is further amended to read:

2. **Application.** The person or persons in charge of the regatta, race, beat watercraft exhibition or water-ski exhibition shall request the permit from the commissioner at least 15 days prior to the event. The request shall must be in writing and shall must set forth the date, time and location of the event. The person in charge of a proposed meterbeat watercraft race shall send a letter of intent 60 days prior to the event to municipal officers of the municipality or municipalities in which the waters exist. A copy of the letter of intent shall must be forwarded to the commissioner with the request for a permit to hold any meterbeat watercraft race.

Sec. 12. 12 MRSA §7798, as enacted by PL 1979, c. 420, §1, is amended to read:

§7798. Certificate of number for watercraft carrying passengers for hire

1. **Application.** Before a meterbeat watercraft may carry passengers for hire, the owner of the meterbeat watercraft shall apply ~~to~~ for and obtain from the commissioner a certificate of number authorizing its use for that purpose. This section applies to all meterbeats watercraft carrying passengers for hire as defined in section 7791, subsection 6, except those subject to federal inspection requirements which have or are required to have a current valid federal inspection certificate on board.

2. **Issuance.** Before the certificate may be issued, the owner shall satisfy the commissioner that the beat watercraft is safe to operate and will be maintained in safe condition.

3. **Restrictions.** The commissioner may cause the meterbeats watercraft to be examined from time to time.

Sec. 13. 12 MRSA §7798-A, as enacted by PL 1985, c. 304, §21, is amended to read:

§7798-A. Certificate of number for watercraft rented or leased

2 Before any ~~meterbeat~~ watercraft may be rented or leased, the
owner of the ~~meterbeat~~ watercraft shall obtain a certificate of
4 number from the commissioner under section 7794.

6 **Sec. 14. 12 MRSA §7799, sub-§1**, as amended by PL 1987, c. 742,
§10, is further amended to read:

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10 **1. Application.** Every operator of a ~~meterbeat~~ watercraft,
other than a licensed Maine guide certified in watercraft safety,
12 carrying passengers for hire, except those operators who have
been issued and have or are required to have in their possession
14 a current valid federal operator's license, shall obtain an
operator's license from the commissioner as provided in this
16 section before operating a ~~meterbeat~~ watercraft carrying
passengers for hire.

18 A. The operator shall make written application for the
license on forms provided by the commissioner.

20 B. The commissioner shall cause operators applying for a
22 license for the first time to be examined as to their
qualifications.

24 **Sec. 15. 12 MRSA §7799, sub-§6**, as enacted by PL 1979, c. 420,
26 §1, is amended to read:

28 **6. Suspension and revocation.** The commissioner may initiate
proceedings in the Administrative Court to suspend the operator's
30 license of an operator of a ~~meterbeat~~ watercraft carrying
passengers for hire under the following conditions:

32 A. It is found, upon examination under section 7798,
34 subsection 3, that any ~~meterbeat~~ watercraft carrying
passengers for hire is unsafe; or

36 B. The commissioner receives satisfactory evidence of the
38 operator's intemperance, incompetency or willful violation
of the law.

40 **Sec. 16. 12 MRSA §7800, sub-§1**, as amended by PL 1989, c. 918,
42 Pt. D, §6, is repealed and the following enacted in its place.

44 **1. Fees collected.** All fees collected for certificates,
46 licenses and permits by the commissioner are paid daily to the
Treasurer of State.

48 **A. Fees collected for motorboats accrue as undedicated**
50 **revenue to the General Fund and as dedicated revenue to the**
Department of Marine Resources in accordance with subsection
3.

2 B. Fees collected for all watercraft, other than
4 motorboats, that are subject to registration under this
6 subchapter accrue as dedicated revenue to the Fund for Lake
 Services created under section 7800-B.

8 Sec. 17. 12 MRS §7800, sub-§3, as repealed and replaced by PL
10 1989, c. 918, Pt. D, §8, is repealed and the following enacted in
 its place:

12 3. Disbursement of revenues. Except for fees collected
14 pursuant to section 7800, subsection 1, paragraph B, all revenues
16 under this subchapter, including fines, fees and other available
18 money must be distributed as undedicated revenue to the General
20 Fund and the Department of Marine Resources according to an
22 allocation rate that directly relates to the administrative costs
 of the Division of Licensing and Registration and the historical
 revenue distribution pattern including any necessary year-end
 reconciliation and accounting distribution. The allocation rate
 must be jointly agreed to by the department and the Department of
 Marine Resources and approved by the Department of Finance,
 Bureau of the Budget.

24 Sec. 18. 12 MRS §7800-B is enacted to read:

26 §7800-B. Fund for Lake Services

28 1. Establishment. There is established the Fund for Lake
30 Services. It receives money deposited by the Treasurer of State
32 pursuant to section 7800, subsection 1, paragraph B. All money
34 deposited in the fund and the earnings that may accrue must
36 remain in the fund to be used for the provision of lake services
 and for necessary administrative and personnel costs associated
 with those services and may not be deposited in the General Fund
 or any other fund except as specifically provided by statute.

38 2. Report and allocation. The Commissioner of Inland
40 Fisheries and Wildlife shall include a report on the Lake
42 Services Fund as part of the report submitted to the Governor
44 pursuant to section 7034. This report must also be submitted to
46 the joint standing committee of the Legislature having
 jurisdiction over fisheries and wildlife matters. The
 commissioner shall submit a budget for each biennium. The State
 Controller shall authorize expenditures from the fund as
 allocated by the Legislature.

48 Sec. 19. 12 MRS §7801, sub-§1, as amended by PL 1979, c. 543,
 §72, is further amended to read:

2 1. **Operating watercraft without certificate of number.** A
4 person is guilty, except as provided in subsection 27, paragraph
6 A, of operating a meterbeat watercraft without a certificate of
8 number if he that person operates or gives permission to operate
10 a meterbeat watercraft without a current certificate of number or
a current temporary certificate of number, when one is required
12 pursuant to section 7794. Only the certificate of number or
temporary certificate of number as issued by the commissioner is
valid. A facsimile or copy of the certificate is not valid.

12 **Sec. 20. 12 MRSA §7801, sub-§§2 and 6**, as enacted by PL 1979,
c. 420, §1, are amended to read:

14 2. **Operating watercraft without identification number or**
16 **validation stickers.** A person is guilty of operating a meterbeat
18 watercraft without an identification number or validation sticker
if he that person operates or gives permission to operate a
20 meterbeat watercraft without the identification number and
validation stickers, assigned by the commissioner and authorized
22 by this subchapter, displayed ~~on each side of the bow~~ in
accordance with section 7794, subsection 5, paragraph B or
section 7795, subsection 4.

24 6. **Operating watercraft carrying passengers for hire**
26 **without certificate of number.** A person is guilty of operating a
28 meterbeat watercraft carrying passengers for hire without a
certificate of number if he that person operates such a meterbeat
30 watercraft without a certificate of number as required in section
7798.

32 **Sec. 21. 12 MRSA §7801, sub-§6-A**, as enacted by PL 1985, c.
304, §22, is amended to read:

34 6-A. **Leasing or renting watercraft without certificate of**
36 **number.** A person is guilty of renting or leasing a meterbeat
38 watercraft without a certificate of number if he that person
rents or leases any meterbeat watercraft not covered by a current
40 certificate of number as required by section 7798-A.

42 **Sec. 22. 12 MRSA §7801, sub-§7**, as enacted by PL 1979, c. 420,
§1, is amended to read:

44 7. **Operating watercraft carrying passengers for hire**
46 **without operator's license to carry passengers for hire.** A
person is guilty of operating a meterbeat watercraft carrying
48 passengers for hire without an operator's license to carry
passengers for hire if he that person operates such a meterbeat
50 watercraft and does not have such an operator's license as
required in section 7799.

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STATEMENT OF FACT

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This bill extends the requirements for boat registration to all watercraft used on inland waters, not just motorboats. It also extends to these watercraft the prohibition on certain activities. Revenues from these new watercraft registrations accrue to the new Fund for Lake Services established within the Department of Inland Fisheries and Wildlife by the bill.