

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY

N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 151

S. P. 79

In Senate, January 27, 1959.

Referred to the Committee on Inland Fisheries and Game, sent down for concurrence and 1,000 copies ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Carpenter of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Licensing and Safety Operation of Boats.

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

Sec. 1. R. S., c. 37, §§ 64-A - 64-R, additional. Chapter 37 of the Revised Statutes, as revised, is amended by adding 18 new sections to be numbered 64-A to 64-R, to read as follows:

'Operation of Boats.

Sec. 64-A. Declaration of policy. It is the policy of this State to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto.

Sec. 64-B. Definitions. As used in sections 64-A to 64-R, unless the context clearly requires a different meaning:

"Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, and whether or not such machinery is permanently or temporarily attached to such vessel, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.

"Operate" means to navigate or otherwise use a motorboat or a vessel.

"Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by

agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

“Person” means an individual, partnership, firm, corporation, association or other entity.

“Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

“Waters of this State” means any inland body of water, wholly or partly, within the territorial limits of this State.

Sec. 64-C. Operation of unnumbered motorboats prohibited. Every motorboat on the waters of this State shall be numbered except that a motorboat owned by a nonresident may be operated for not more than one day in any calendar year without being so numbered. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered in accordance with sections 64-A to 64-R, or in accordance with applicable federal law, or in accordance with a numbering system of another state, and unless the certificate of number awarded to such motorboat is in full force and effect, and the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

Sec. 64-D. Identification number.

I. The owner of each motorboat requiring numbering by this State shall file an application for number with the Commissioner of Inland Fisheries and Game on forms approved by him. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee of \$1.25. Upon receipt of the application in approved form, the commissioner shall enter the same upon the records of the office and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by rules and regulations of the commissioner in order that it may be clearly visible. The number shall be maintained in a legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation;

II. The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally-approved numbering system of another state shall record the number prior to operating the motorboat on the waters of this State in excess of the 90 day reciprocity period provided for in section 64-F, subsection I. Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under subsection I, except that no additional or substitute number shall be issued;

III. Should the ownership of a motorboat change, a new application form with fee shall be filed with the commissioner and a new certificate of number shall be awarded in the same manner as provided for in an original award of number;

IV. In the event that an agency of the United States Government shall have in force an over-all system of identification numbering for motorboats within the United States, the numbering system employed pursuant to sections 64-A to 64-R by the commissioner shall be in conformity therewith;

V. The commissioner may award any certificate of number directly or may authorize agents for the awarding thereof. In said event, agents may be assigned a block of numbers and certificates therefor which upon award, in conformity with sections 64-A to 64-R and with any rules and regulations of the commissioner shall be valid as if awarded directly by the commissioner. Such agent shall retain 25c from the fee provided in section 64-D;

VI. All records of the commissioner made or kept pursuant to this section shall be public records;

VII. Every certificate of number awarded pursuant to sections 64-A to 64-R shall continue in full force and effect for the calendar year on which it was issued unless sooner terminated or discontinued in accordance with the provisions of sections 64-A to 64-R. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same;

VIII. Every certificate of number shall expire on midnight of December 31st of the year of issue;

IX. The owner shall furnish the commissioner notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this State pursuant to subsections I and II or of the destruction or abandonment of such motorboat, within 10 days thereof; Such transfer, destruction or abandonment shall terminate the certificate of number for such motorboat except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, such transfer shall not terminate the certificate of number;

X. Any holder of a certificate of number shall notify the commissioner within 15 days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the commissioner with his new address. The commissioner may provide in his rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder;

XI. No number other than the number awarded to a motorboat or granted reciprocity pursuant to sections 64-A to 64-R shall be painted, attached or otherwise displayed on either side of the bow of such motorboat.

Sec. 64-E. Lights. Every motorboat and vessel shall have aboard, when in operation during hours of darkness, a light sufficient to make the motorboat's presence and location known to any and all other vessels within a reasonable distance; or a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

Sec. 64-F. Exemption from numbering provisions. A motorboat shall not be required to be numbered under sections 64-A to 64-R if it is:

- I. Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a numbering system of another state; provided such boat shall not have been within this State for a period in excess of 90 consecutive days;
- II. A motorboat from a country other than the United States temporarily using the waters of this State;
- III. A motorboat whose owner is the United States, this State or a subdivision thereof;
- IV. A ship's lifeboat;
- V. A motorboat belonging to a class of boats which has been exempted from numbering by the commissioner after he has found that the numbering of motorboats of such class will not materially aid in their identification; and, if an agency of the federal government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs, after the commissioner has further found that the motorboat would also be exempt from numbering if it were subject to the federal law;
- VI. Already under the jurisdiction of the Public Utilities Commission;
- VII. A motorboat kept for use in connection with any boy's or girl's camp licensed by the Department of Health and Welfare, provided such motorboat is not rented or offered for hire to the general public.

Sec. 64-G. Boat liveries.

- I. The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel which is designed or permitted by him to be operated as a motorboat; the identification number thereof; and the departure date and time, and the expected time of return. The record shall be preserved for at least 6 months;
- II. Neither the owner of a boat livery, nor his agent or employee shall permit any motorboat or any vessel designed or permitted by him to be operated as a motorboat to depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to section 64-E and any rules and regulations made pursuant thereto.

Sec. 64-H. Muffling devices. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cut-outs is prohibited, except for motorboats competing in a regatta or boat race approved as provided in section 64-N and for such motorboats while on trial runs, during a period not to exceed 48 hours immediately preceding such regatta or race and for such motorboats while competing in official trials for speed records during a period not to exceed 48 hours immediately following such regatta or race.

Sec. 64-I. Traffic rules. Every person operating any motorboat or vessel shall obey the following traffic rules when applicable:

I. When 2 motorboats or vessels are approaching each other "head and head," or nearly so, each motorboat or vessel shall bear to the right and pass the other motorboat or vessel on its left side;

II. When 2 motorboats or vessels are approaching each other obliquely or at right angles, the motorboat or vessel on the right shall have the right of way;

III. A motorboat or vessel operated on a river or a channel shall bear to the right;

IV. A motorboat or vessel may overtake and pass another motorboat or vessel on either side, if the same can be done with safety and within the assured clear distance ahead, but the motorboat or vessel overtaken shall have the right of way; and

V. A motorboat or vessel leaving a dock, pier or wharf or the shore shall have the right of way over all motorboats or vessels approaching the same.

Sec. 64-J. Prohibited operation.

I. No person shall operate any motorboat or vessel or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life, limb or property of any person;

II. No person shall operate a motorboat or vessel or manipulate any water skis, surfboard or similar device while under the influence of intoxicating liquor or any narcotic drug, barbituate or marijuana.

III. No person shall operate a motorboat or vessel so as to approach or pass another motorboat or vessel in such a manner or at such a rate of speed as to create a hazardous wake or wash;

IV. No person shall operate a motorboat or vessel in a circular course around another motorboat or vessel any occupant of which is engaged in fishing or any person who is engaged in swimming, water skiing, surfboarding or similar activity;

V. No person shall operate a motorboat or vessel so as to approach or pass within 200 feet of the shoreline of any lake or channel thereof at a place or point where such lake or channel is 500 feet or more in width, except at a minimum speed and for the purpose of trolling or for the purpose of approaching or leaving a dock, pier or wharf or the shore of such lake or channel.

Sec. 64-K. Collisions, accidents and casualties.

I. It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his vessel, crew and passengers, if any, to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty;

II. In the case of collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of \$100 shall file with the commissioner a full description of the collision, accident or other casualty, including such information as said agency may, by regulation, require.

Sec. 64-L. Transmittal of information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the commissioner pursuant to section 64-K, subsection II shall be transmitted to said official or agency of the United States on request.

Sec. 64-M. Water skis and surfboards.

I. No person shall operate a vessel on any waters of this State for towing a person or persons on water skis or a surfboard or similar device unless there is in such vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed;

II. No person shall operate a vessel on any waters of this State towing a person or persons on water skis, surfboard or similar device, nor shall any person engage in water skiing, surfboarding or similar activity at any time between the hours from one hour after sunset to one hour before sunrise;

III. The provisions of subsections I and II do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under section 64-N.

IV. No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, a surfboard or similar device may be affected or controlled in such a way as to cause the water skis, surfboard or similar device, or any person thereon to collide with or strike against any object or person.

Sec. 64-N. Regattas, races, marine parades, tournaments or exhibitions.

I. The commissioner may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments or exhibitions on any waters of this State. He shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever such a regatta, motorboat or other boat race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof, shall, at least 15 days prior thereto, file an application with the commissioner for permission to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat race, marine parade, tournament or exhibition, and it shall not be conducted without authorization of the commissioner in writing;

II. The provisions of this section shall not exempt any person from compliance with applicable federal law or regulations but nothing contained herein shall be construed to require the securing of a state permit pursuant to this section, if a permit therefor has been obtained from an authorized agency of the United States.

Sec. 64-O. Local regulation prohibited.

I. The provisions of sections 64-A to 64-R, and of other applicable laws of this State shall govern the use, operation, equipment, numbering and all other matters relating thereto whenever any vessel shall use the waters of this State, or when any activity regulated by sections 64-A to 64-R shall take place thereon; and no subdivision of this State shall regulate or otherwise legislate for any of the subjects dealt with in sections 64-A to 64-R;

II. Any subdivision of this State may, at any time, but only after public notice, make formal application to the commissioner for special rules and regulations with reference to the use or operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate;

III. The commissioner is authorized to make special rules and regulations with reference to the use or operation of vessels on any waters within the territorial limits of any subdivision of this State.

Sec. 64-P. Owner's civil liability. The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of the provisions of the statutes of this State, or neglecting to observe such ordinary care and such operation as the rules of the common law require. The owner shall not be liable unless such vessel is being used with his or her express or implied consent. It shall be presumed that such vessel is being operated with the knowledge and consent of the owner, if at the time of the injury or damage, it is under the control of his or her spouse, father, mother, brother, sister, son, daughter or other immediate member of the owner's family. Nothing contained herein shall be construed to relieve any other person from any liability which he would otherwise have, but nothing contained herein shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

Sec. 64-Q. Rules and regulations. The commissioner is empowered to make any rules and regulations, necessary for the proper administration of sections 64-A to 64-R, and after public hearing, notice of which has been duly advertised in the state paper. A copy of such rules and regulations, and of any amendments thereto, shall be filed in the office of the commissioner and in the office of the Secretary of State. A copy of any rule and regulation, or amendment thereto, shall be furnished by the commissioner to any person requesting it.

Sec. 64-R. Penalties.

I. Any person who violates any provision of sections 64-C, 64-D, 64-E, 64-H, 64-I, 64-K and 64-N shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$50 for each such violation;

II. Any person who violates any provision of sections 64-G and 64-M shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 for each such violation.

III. Any person who violates any provision of section 64-J shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months or by both for each violation.'

Sec. 2. R. S., c. 37, §§ 65 and 66, repealed. Sections 65 and 66 of chapter 37 of the Revised Statutes are repealed.

Sec. 3. R. S., c. 141, § 17, repealed. Section 17 of chapter 141 of the Revised Statutes is repealed.