

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

# STATE OF MAINE

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PUBLIC LAWS  
OF THE  
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'Sec. 207-A. Purpose. It is hereby declared to be the policy of the State to provide, within practical limits, equal educational opportunities for all educable children in Maine able to benefit from an instructional program approved by the State Board of Education. The purpose of sections 207-A to 207-I is to provide educational facilities, services and equipment for all handicapped or exceptional children below 21 years of age who cannot be adequately taught with safety and benefit in the regular public school classes of normal children or who can attend regular classes beneficially if special services are provided. Special classes in public schools are to include educable children only.'

Sec. 2. R. S., c. 41, § 207-B, amended. Section 207-B of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 467 of the public laws of 1955 and as amended by section 83 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Sec. 207-B. Definitions. The term "handicapped or exceptional child" shall mean any educable child under 21 years of age able to benefit from an instructional program approved by the State Board of Education whose parents or guardian or person acting in loco parentis resides maintains a home for his family in any administrative unit within the State, and whose educational needs cannot be adequately provided for through the usual facilities and services of the public schools, because of the physical or mental deviations of such child.

"Special services" shall be transportation; tutoring; corrective teaching, such as speech reading, speech correction, sight conservation and similar forms of instruction; and provision of special seats, books and teaching supplies and equipment required for the instruction of handicapped or exceptional children.'

Sec. 3. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund to carry out the purposes of this act the sum of \$10,000 for the fiscal year ending June 30, 1960 and \$20,000 for the fiscal year ending June 30, 1961.

Effective September 12, 1959

## Chapter 349

### 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. 36-A, additional. The Revised Statutes are amended by adding a new chapter 36-A, to read as follows:

#### 'Chapter 36-A.

#### Operation of Boats.

Sec. 1. 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. 2. Definitions. As used in this chapter, 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, and all rivers and streams above tide-water.

Sec. 3. Operation of unnumbered motorboats prohibited. Every motorboat on the waters of this State propelled by machinery of more than 10 horsepower, whether or not such machinery is the principal source of propulsion, shall be numbered except that a motorboat owned by a nonresident may be operated for not more than 3 days 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 this chapter, or in accordance with applicable federal law, or in accordance with a numbering system of the state of which he is a resident, 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. 4. 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 \$2. Upon receipt of the application in approved form, the Commissioner of Inland Fisheries and Game 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, together with such identification plates as he may prescribe. The owner shall attach the identification plate to each side of the bow of the motorboat 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 federal law or a number-

ing system of the state of which he is a resident, shall record the number prior to operating the motorboat on the waters of this State in excess of the 90 days reciprocity period provided for in section 6, 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 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 of Inland Fisheries and Game and a new certificate of number shall be awarded in the same manner as provided for in an original award of number;

IV. Whoever transfers the ownership or discontinues the use of a numbered motorboat or vessel and applies to the Commissioner of Inland Fisheries and Game for numbering of another motorboat or vessel within the license period shall be entitled to a certificate of number, permitting the use of number plates issued on the former motorboat or vessel upon payment of a transfer fee of \$1. The certificate issued for the numbering of the former motorboat or vessel shall be returned to the said Commissioner of Inland Fisheries and Game, showing that the ownership of such motorboat or vessel has been transferred or its use discontinued and that the certificate has been cancelled;

IV-A. The Commissioner of Inland Fisheries and Game 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 this chapter and with any rules and regulations of the Commissioner of Inland Fisheries and Game, shall be valid as if awarded directly by the Commissioner of Inland Fisheries and Game. Such agent shall retain 25c from the fee provided in this section;

V. All records of the Commissioner of Inland Fisheries and Game made or kept pursuant to this section shall be public records;

VI. Every certificate of number awarded under this chapter shall continue in full force and effect for a period of 3 years unless sooner terminated or discontinued in accordance with this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same;

VII. Every certificate of number shall expire on midnight of December 31st of the 3rd year of the 3-year period for which it was issued;

VIII. The owner shall furnish the Commissioner of Inland Fisheries and Game 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;

IX. No number other than the number awarded to a motorboat or granted reciprocity pursuant to this chapter shall be painted, attached or otherwise displayed on either side of the bow of such motorboat, except that nothing in this section shall be deemed to affect the display of such numbers as may be required under chapter 37, section 66 and chapter 49, section 9;

X. Every manufacturer or dealer in new or used motorboats requiring numbering by the State may, instead of an application for numbering each motorboat owned by him, make application upon a blank provided by the Commissioner of Inland Fisheries and Game for a general distinguishing number, color or mark. If the Commissioner of Inland Fisheries and Game is satisfied that the applicant maintains a permanent place of business in the State where said applicant is engaged in the business of manufacturing, buying or selling of motorboats, he shall issue to the applicant a certificate of number. Such certificate of number shall contain the name, place of residence and business of the applicant and the general distinguishing number, color or mark assigned to him and made in such form as the Commissioner of Inland Fisheries and Game may determine, and all motorboats owned by such applicant shall be regarded as numbered under such general distinguishing number, color or mark until sold or exchanged. To be eligible for the renewal of such motorboat dealer identification plates, the applicant must maintain in the State of Maine a permanent place of business where said applicant is engaged in the business of manufacturing, buying or selling motorboats. The fee for every such certificate of number shall be \$2. The Commissioner of Inland Fisheries and Game shall furnish the applicant with 4 sets of identification plates at \$2 per set.

Sec. 5. 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.

Sec. 6. Exemption from numbering provisions. A motorboat shall not be required to be numbered under this chapter 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 of which the owner is a resident; 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 or this State;

IV. A ship's lifeboat;

V. A motorboat belonging to a class of boats which has been exempted from numbering by the Commissioner of Inland Fisheries and Game after he has found that the numbering of motorboats of such class will not materially aid in their identification;

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. 7. Boat liveries. 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.

Sec. 8. Operation of boats.

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 intoxicated or under the influence of any narcotic drug, barbiturate or marijuana;

III. 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;

IV. 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. 9. Age restriction for operators. No person under 12 years of age shall operate a motorboat or vessel propelled by machinery of more than 10 horsepower unless under the immediate supervision of a person in such motorboat or vessel who is at least 16 years of age.

Sec. 10. 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 of Inland Fisheries and Game a full description of the collision, accident or other casualty, including such information as the Commissioner of Inland Fisheries and Game may, by regulation, require. Such report shall not be referred to in any way, and shall not be evidence in any judicial proceeding.

Sec. 11. Local regulation prohibited. The provisions of this chapter 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, and no subdivision of this State shall regulate or otherwise legislate for any of the subjects dealt with in this chapter.



Sec. 12. Enforcement. Every law enforcement officer in this State shall have the authority to enforce the provisions of this chapter and in the exercise thereof shall have the authority to stop and board any motorboat or vessel subject to said provisions.

Sec. 13. Disposition of fees. All fees collected by the Commissioner of Inland Fisheries and Game under this chapter, upon receipt thereof by him, shall be forwarded daily to the Treasurer of State, and shall be credited to the funds of the Department of Inland Fisheries and Game.

Sec. 14. Penalties. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$50 for each such violation.

Sec. 15. Rules and regulations. The Commissioner of Inland Fisheries and Game may make reasonable rules and regulations necessary for the proper administration of this chapter. He shall publish in pamphlet form and distribute free of charge the provisions of this chapter together with such rules and regulations and also a list of such recommendations pertaining to safety equipment and water traffic rules as he shall deem advisable.

Sec. 2. Effective date. This act shall become effective on April 1, 1960.

Effective April 1, 1960

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## Chapter 350

### AN ACT Relating to Tax on Transient Rentals.

Emergency preamble. Whereas, due to increased cost of labor and materials, the cost of State Government in administering the services required by law has increased; and

Whereas, further revenue is necessary in order to carry out the functions of government as provided by law; and

Whereas, orderly procedure of administering the essential duties required by the people of the State of Maine necessitates further moneys; 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. R. S., c. 17, § 2, amended. Section 2 of chapter 17 of the Revised Statutes, as amended, is further amended by inserting after the 2nd paragraph a new paragraph, as follows:

‘“Apartment house” means any building or part thereof, where separate accommodations for more than 2 families living independently of each other are supplied to transient or permanent guests or tenants.’