

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Sixth Legislature

AT THE  
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

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**Sec. 5. R. S., T. 5, § 1031, sub-§ 16, amended.** The first sentence of the first paragraph of subsection 16 of section 1031 of Title 5 of the Revised Statutes, as repealed and replaced by section 5 of chapter 59 of the public laws of 1967, is amended to read as follows:

The board of trustees shall have the power to enter into a contract or agreement with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the ~~negotiable~~ securities belonging to any fund of the retirement system to the extent that there may be any such securities which are not held by the bank fiduciary under subsection 15.

**Sec. 6. R. S., T. 5, § 1031, sub-§ 16, amended.** The last sentence of the first paragraph of subsection 16 of section 1031 of Title 5 of the Revised Statutes, as repealed and replaced by section 5 of chapter 59 of the public laws of 1967, is amended to read as follows:

Such services shall consist of the safekeeping of said ~~negotiable~~ securities ~~in the vaults of the bank, trust company or safe deposit company~~, preparation of coupons for collection, the actual collection of such coupons, periodic checks of the portfolio deposited for safekeeping to determine all calls for redemption, in whole or in part, of any bonds owned by the retirement system, and any other fiscal service which is normally covered in a custodial contract or agreement. **In performing services under any such contract or agreement, the contracting bank shall have all of the powers and duties prescribed for trust companies by Title 9, section 1093.**

**Sec. 7. R. S., T. 5, § 1031, sub-§ 16, amended.** The last sentence of the 2nd paragraph of subsection 16 of section 1031 of Title 5 of the Revised Statutes, as last repealed and replaced by section 5 of chapter 59 of the public laws of 1967, is amended to read as follows:

The contracting bank shall give assurance of proper ~~internal~~ safeguards, which are usual to such contracts, and shall furnish insurance protection satisfactory to both parties.

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

Effective March 12, 1974

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## CHAPTER 734

### AN ACT to Transfer Authority for Watercraft Registration and Safety to Commissioner of Inland Fisheries and Game.

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

**Sec. 1. R. S., T. 12, c. 308, additional.** Title 12 of the Revised Statutes is amended by adding a new chapter 308 to read as follows:

CHAPTER 308  
WATERCRAFT REGISTRATION AND SAFETY  
SUBCHAPTER I  
GENERAL PROVISIONS

§ 2061. Definitions

Each word or term defined in this section has the meaning indicated in this section for the purposes of this chapter, unless a different meaning is plainly required by the context.

1. Bow. "Bow" means the forward half of the watercraft.
2. Division. "Division" means the Division of Watercraft Registration and Safety.
3. Commissioner. "Commissioner" means the Commissioner of Inland Fisheries and Game.
4. Department. "Department" means the Department of Inland Fisheries and Game.
5. Carrying passengers for hire. "Carrying passengers for hire" means the use of a motorboat for the purpose of the carriage of any person or persons as passengers for valuable consideration, whether directly or indirectly flowing to the owner, charterer, agent or any other person interested in the watercraft. A passenger includes every person carried on board the watercraft other than the owner or his representative; the operator; bona fide members of the crew engaged in the business of the watercraft who have contributed no consideration for their carriage and who are paid for their services; and any guest on board a watercraft which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly for his carriage.
6. Federal waters. "Federal waters" means all other waters not internal and subject to the jurisdiction of the United States.
7. Internal waters. "Internal waters" means waters under the exclusive jurisdiction of the State of Maine.
8. Motorboat. "Motorboat" means any watercraft equipped with propulsion machinery of any type, whether or not such machinery is the principal source of propulsion, or is permanently or temporarily attached or is available for propulsion on the watercraft.
9. Motorboat for hire. "Motorboat for hire" means any watercraft which while hired is propelled by machinery, regardless of horsepower, whether or not that machinery is the principal source of propulsion, and whether or not that machinery was leased or hired with the watercraft. It includes any watercraft propelled by motor which carries passengers for hire.

10. Operate. The verb "operate" in all its moods and tenses when it refers to watercraft of any type or description means to use that watercraft in any manner on the waters specified whether or not the watercraft is under way.

11. Operation. The noun "operation" when it refers to watercraft of any type or description means the act of operating as defined in subsection 10.

12. Operator. "Operator" means the person who is in control or in charge of a watercraft while it is in use.

13. Owner. "Owner" means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest therein which entitles him to such possession.

14. Person. "Person" includes an individual, firm, association or other entity.

15. State of principal use. "State of principal use" means the state on whose waters a watercraft is used or to be used most during a calendar year.

16. Use. "Use" means operate, navigate or employ.

17. Watercraft. "Watercraft" means any type of vessel, boat or craft used or capable of being used as a means of transportation on water other than a seaplane.

18. Waters of this State. "Waters of this State" means all internal waters and all federal waters within the jurisdiction of this State.

19. Water safety zone. "Water safety zone" means the area of water within 200 feet of any shoreline, whether the shoreline of the mainland or of an island.

#### § 2062. Local regulation prohibited

No municipality or political subdivision of this State may adopt any ordinance, law or regulation dealing with the operation or numbering of watercraft or any other subject matter of this chapter.

1. Department regulations excepted. Nothing in this section is to be construed to prohibit the adoption of regulations as authorized in section 2067.

#### § 2063. Disposition of revenues

All revenues collected under this chapter are disposed of as follows:

1. Fees collected. 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 Game.

2. Fines and costs collected. Each county shall pay all fines, forfeitures and penalties collected for violations of this chapter and all officers' costs collected for either coastal wardens or inland fisheries and game wardens to the Treasurer of State monthly and all of them shall accrue to the department.

3. Disbursement of revenues. 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 Game 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 and or federal waters of this State as reported to the U. S. Coast Guard, the former being retained by the Department of Inland Fisheries and Game and the latter by the Department of Marine Resources, to help defray the costs of enforcing this chapter.

§ 2064. Certificate of the commissioner admissible in evidence

A certificate signed by the commissioner or a person designated by him, stating what the records of the division show on any given matter are admissible in evidence in all courts of this State to prove what the records of the division are on that matter.

1. Certificate prima facie evidence person not the holder of a certificate of number, license or permit. A certificate signed by the commissioner or a person designated by him, stating that the records of the division do not show that a particular person on a stated date held a certificate of number, a license or permit issued under this chapter, as the case may be, is admissible in evidence in all courts of this State and is prima facie evidence that the particular person named in the certificate did not hold a certificate of number, license or permit as specified in the certificate on the date specified in the certificate.

2. Certificate prima facie evidence of certificate, license and permit revocation. A certificate signed by the commissioner or a person designated by him, stating that the records of the division show that a particular person's certificate, license or permit issued under this chapter was under revocation or suspension on a particular stated date is admissible in evidence in all courts of this State and is prima facie evidence that the particular certificate, license or permit stated, on the date stated, of the particular person stated was under suspension or revocation.

3. Regulations not proved by this section. This section does not apply to the proof of regulations, as proof of them by certificate is provided in section 2068.

§ 2065. Enforcement

Inland fish and game wardens, coastal wardens, state police officers, harbor-masters and all other law enforcement officers of this State have authority to enforce this chapter and to arrest persons who violate it. Such officers, when in uniform, may stop any watercraft for the purpose of inspecting said craft, its equipment and its documents or certificates and may board all watercraft where necessary to enforce this chapter or to make arrests.

1. Watercraft to stop. It is unlawful for the operator of any watercraft to fail to stop or move his watercraft upon being ordered or directed to do so by any law enforcement officer empowered to enforce this chapter. Said watercraft may be ordered ashore to correct a violation or if in the opinion of the law enforcement officer the safety of the occupants is in jeopardy.

#### § 2066. Penalties

Whoever violates any provisions of this chapter or any regulation adopted under authority of this chapter 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.

### SUBCHAPTER II

#### CONDITIONS AND RESTRICTIONS

#### § 2067. Division of Watercraft Registration and Safety

The following provisions apply to the Division of Watercraft Registration and Safety:

1. Purpose of division. The division is established to provide an agency to register watercraft as provided in this chapter and to promote safety for persons and property in connection with the use and operation of watercraft and may participate in such federal grants in aid as may be forthcoming to this State from the Federal Boat Safety Act of 1971 (Public Law 92-75).

2. Department may adopt regulations. It shall be the intent of any regulation required that it shall be in accord with federal regulation as may be promulgated under the Federal Boat Safety Act of 1971. The commissioner, acting jointly with the Commissioner of the Department of Marine Resources, may adopt and amend regulations under the procedure provided in section 2068, which are not inconsistent with this chapter, covering the following subject matter.

A. Regulations to further establish administrative procedure under this chapter;

B. Regulations further governing the use and operation of watercraft upon the waters of the State to insure safety of persons and property;

C. Regulations further governing safety equipment for watercraft, including the type, quality and quantity of such equipment;

D. Regulations governing the horsepower of motors used to propel watercraft on all internal waters of this State. In promulgating such regulations, the commissioner shall take into consideration the area of the internal waters, the use to which the internal waters are put, the depth of water and the amount of water borne traffic upon the waters and determine whether or not such regulation is necessary to insure the safety of persons and property. The adoption of regulations under this paragraph is gov-



erned by section 2068, except that such regulations may be only adopted as a result of a petition from the municipal officers of the municipality or municipalities in which the waters exist or from 25 citizens of the municipalities in which the waters exist, by the county commissioners of the county in which the waters exist if they are located in unorganized territory or 25 citizens of the unorganized territory in which the waters exist, requesting the issuance of such a regulation for a particular body of internal water and stating the proposed horsepower limitation.

§ 2068. Regulations; force of law; penalties

The following provisions apply to the regulations authorized in section 2067.

1. Adoption procedure. When the commissioners decide it is necessary or desirable to adopt or amend any of the regulations authorized in section 2067, they shall use the following procedure:

A. They shall set a time and place for a public hearing and publish notice of the hearing in the state paper at least once 7 days prior to the hearing;

B. The notice shall state the time and place of the hearing and the substance of the proposed regulations or amendments;

C. After the commissioners have held the public hearing, or caused the same to be held, they may adopt any or all of the regulations or amendments proposed in the notice of hearing. The commissioners or their designates may conduct the hearing;

D. The commissioners shall cause a certified copy of the adopted regulations to be filed with the Secretary of State and one with the clerk of courts of each county where the regulation or amendment is to be in force, and shall publish one copy so certified in the state paper;

E. The regulations or amendments are in effect and have the force of law on the day following publication.

2. Regulations have force of law, penalties. The regulations authorized in section 2067 have the force of law and whoever violates any provision of them shall be punished by the penalties provided in section 2066.

3. Proof of regulation by certificate. A certified copy of any one of the regulations authorized in section 2067 is admissible in all courts to prove the regulation, subject to the provisions of this subsection, and is prima facie evidence that the regulation was adopted in accordance with this chapter.

A. The certified copy must be certified by the commissioner or a person designated by him and must be accompanied by the signed statement that it was in force and effect on the date of the alleged violation.

§ 2069. Certificate required; display of numbers and validation stickers

The following provisions apply to every undocumented motorboat used on the waters of the State as the state of principal use, except those motorboats specifically exempted under subsection 3.

1. Owner must obtain certificate of number; certificate to be available on boat. The owner of any such motorboat shall obtain a certificate of number for the motorboat from the division before operating or giving permission to operate the motorboat on any of the waters within the jurisdiction of this State. The operator shall have the certificate of number available for inspection on the motorboat for which issued at all times whenever the motorboat is in operation.

A. It is unlawful to operate a motorboat on any waters within the jurisdiction of this State without a current certificate of number or a current temporary certificate of number.

B. If the operator of such a motorboat fails to produce a current certificate of number for the motorboat 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 motorboat is being operated without a current certificate of number.

C. The certificate of number for watercraft less than 26 feet in length and leased or rented to another for the latter's noncommercial use may be retained on shore by the owner of said watercraft or his representative at the place where the watercraft departs or returns to 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 certificate of number or temporary certificate of number as issued by the division is valid. A facsimile or copy of said certificate is not valid.

2. Display of identification number and validation stickers. It is unlawful to operate or give permission to operate a motorboat on any waters within the jurisdiction of this State unless the identification number and validation stickers assigned by the division and authorized by this chapter are displayed on each side of the bow of the boat in the following manner:

A. 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.

(1) A dealer's number and validation stickers may be painted or attached to removable plates temporarily attached to the bow of any boat covered by his dealer's certificate of number.

B. 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 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.

C. 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 not be less than 3 inches in height and maintained in a legible condition at all times.

D. No number other than the assigned boat number shall be displayed on the bow of such a motorboat.

E. The validation sticker, as issued by the division must be displayed approximately 3 inches behind the last letter of the identification number and on a level with the number on both sides of the bow, viz.: ME-123-A □.

3. Motorboats exempt from numbering provisions. The following motorboats are exempt from this section:

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

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

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

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

E. A ship's lifeboat;

F. Motorboats from a country other than the United States, provided the motorboat has not been within this State for a period in excess of 60 consecutive days;

G. Motorboats used exclusively for racing purposes which display on their hulls in a prominent manner a valid boat number issued by a recognized racing association.

4. Numbering at request of owner. Nothing in this section shall prohibit the numbering of any watercraft upon the request of the owner. Said owner shall comply with all applicable requirements of this chapter if he chooses to number his watercraft.

#### § 2070. Application and issuance; fees

The provisions of this section apply to the owners of all motorboats requiring numbering by this State as provided in section 2069.

1. Application certificate. The owner shall make application to the division on forms approved by the division. Such application shall show the legal residence of the applicant and the place where the boat is situated. Upon receipt of the approved application with the proper fee, the division

shall enter the same upon the office records and issue the applicant a certificate of number stating the number assigned to the motorboat, its description, the name and address of the owner and such other information as the division deems appropriate. The certificate of number must be pocket size and available at all times for inspection on the motorboat for which issued when it is in operation.

2. Fees. The fees for each original or renewal certificate of number with 2 validation stickers are as follows:

A. All watercraft requiring or requesting certificate of number;	\$5
B. Dealer's or manufacturer's certificate of number;	\$10
C. Duplicate certificate of number;	\$1
D. Duplicate validation sticker (each one);	25¢
E. Certificate of number issued with transfer of ownership authorized in subsection 4.	\$2

3. Numbers permanent. A number once awarded under this chapter to a motorboat remains with that boat until the boat is destroyed, abandoned, permanently removed or no longer principally used in this State.

4. Transfer of ownership. Whoever transfers ownership of a motorboat for which a certificate of number has already been issued under this chapter and applies for a certificate of number for another motorboat is entitled to a new certificate of number upon payment of a transfer fee of \$2 as set forth in subsection 2, paragraph E, provided the applicant returns to the division the old certificate of number properly signed and executed, showing that ownership of the motorboat has been transferred and that there are at least 6 months of unexpired time on his old certificate of number.

5. New ownership. If there is a change of ownership of a motorboat for which a certificate of number has previously been issued under this chapter, the new owner shall apply for a new certificate of number and set forth the original boat number in his application. He shall pay the regular fee for the particular motorboat involved and is not entitled to the special transfer fee set forth in subsection 4.

6. Duplicate certificate and validation stickers. The holder of any certificate of number issued under this chapter may obtain a duplicate certificate or validation stickers from the division upon application and payment of the fee set forth in subsection 2.

7. Expiration date, renewal. Every certificate of number awarded under this chapter continues in force until December 31st of the 2nd complete calendar year after the year of issuance. The owner may renew his certificate of number at expiration by stating the old number in his application and paying the prescribed fee. The fee is the same fee he would pay for the original issuance.

8. Dealer's and manufacturer's certificate of number. Any manufacturer or dealer of new or used motorboats who has a permanent place of business in this State for the manufacture or sale of motorboats may, instead of ob-

taining a certificate of number for each motorboat owned by him, make application on forms provided by the division for a dealer's certificate of number.

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

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

C. The dealer or manufacturer shall display the number and validation stickers issued under his dealer's certificate of number on the motorboat being demonstrated or tested and may transfer that number from one motorboat owned by him to another motorboat owned by him by temporarily attaching the number and validation stickers to the motorboat as provided in section 2069, subsection 2, paragraph A, subparagraph (1).

D. The division may issue temporary 10-day boat numbers and registrations to bona fide dealers who request them under such rules as it deems necessary and shall receive 50¢ for each 10-day temporary plate.

Upon the sale or exchange by a dealer of any motorboat which requires numbering, the new owner may secure from him a temporary 10-day boat number and registration to operate said craft for one period of 10 consecutive days only after the date of sale in lieu of a permanent boat number as required in section 2069, provided that the owner shall make application to the division on the date of sale for a certificate of boat number by the division. Said application and fee for certificate of boat number, together with a copy of the temporary registration issued by the dealer, shall be forwarded by said dealer to the division within 48 hours after the date of sale of said motorboat. The dealer shall affix the temporary 10-day boat number to the bow of the motorboat and shall clearly mark thereon the date issued, date of expiration and his Maine dealer's number.

The temporary 10-day boat number is nontransferable and must be conspicuously displayed on the bow of the motorboat notwithstanding any other requirements of display of boat number. The operator of said craft must have the temporary registration aboard at all times while the motorboat is in operation. After the expiration of the 10-day period, the owner must remove and discard the temporary 10-day boat number and display the permanent boat number and validation stickers assigned by the division in accordance with section 2069.

9. **Public records.** All records made by the division pursuant to this section are public records. An annual report of the certificates of number issued by the division shall be made to the U. S. Coast Guard as required under federal law.

10. **Notice to assessors.** Within 30 days of receipt of an application for a certificate of number, the division shall comply with the following: Where the legal residence of the applicant is a municipality within the State, the division shall mail a copy of the application or list of registrations issued to the assessors or assessor of such municipality. Where the legal residence is outside of the State and the boat is situated within a municipality in the

State, the division shall mail a copy of the application or list of registrations issued to the assessors or assessor of such municipality. In all other cases, the division shall transfer a copy of the application or list of registrations issued to the Bureau of Taxation.

§ 2071. Notice of destruction, abandonment, removal, transfer of ownership, change of address

1. Owner. The owner of any watercraft which has been issued a certificate of number 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, of its permanent removal from the State, 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 certificate of number. The transfer, documentation, change in state of principal use, permanent removal from the State, abandonment or destruction, false or fraudulent information on application, if the required fee is not paid, or the owner involuntarily loses his interest in the watercraft due to legal process, terminates or invalidates the certificate of number. In any of the foregoing conditions, the certificate of number 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 certificate of number.

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 said craft. The validation sticker is nontransferable.

4. Removal of numbers. The person whose name appears on the certificate of number as the owner of a watercraft shall remove the number and validation stickers from the craft when:

- A. The watercraft is documented;
- B. The watercraft is no longer used principally in the State of Maine;
- C. The application for certificate of number contains false or fraudulent statements or information;
- D. The fees for the issuance of a certificate of number are not paid.

§ 2072. Motorboats carrying passengers for hire

The following provisions apply to all motorboats carrying passengers for hire as defined in section 2061, except those subject to federal inspection requirements which have or are required to have a current valid federal inspection certificate on board.

1. Certificate required. The owner shall apply to and obtain from the division a certificate of number authorizing its use for that purpose before carrying passengers for hire.

A. Before the certificate may be issued, the owner must satisfy the division that the boat is safe to operate and will be maintained in safe condition.

B. The division may cause such boats to be examined from time to time. If it is found upon examination that any motorboat carrying passengers for hire so certified is unsafe, the commissioner shall immediately suspend the operator's license or licenses covering the particular motorboat under the procedure set forth in subsection 3.

2. Operator's license. Every operator of a motorboat, except those operators who have been issued and have or are required to have in their possession a current valid federal operator's license which carries passengers for hire on the internal waters of this State, must obtain an operator's license from the division as provided in this subsection before operating a motorboat carrying passengers for hire.

A. The operator shall make written application for the license on forms provided by the division and enclose a fee of \$1 with his application.

B. The division shall cause operators applying for a license for the first time to be examined as to their qualifications and shall issue the license only after the applicant has satisfactorily passed the examination.

C. The division may grant a renewal of license upon written application and payment of the \$1 fee without examination.

D. Every license expires on December 31st of the year for which issued.

E. The commissioner shall immediately suspend an operator's license upon satisfactory evidence of intemperance, incompetency or willful violation of law under the procedure in subsection 3.

3. Suspension and revocation of operator licenses. The commissioner shall suspend and revoke the operator's license authorized by this section under the following procedure:

A. He shall give written notice to the holder of the license containing the following:

- (1) A statement that his license is temporarily suspended immediately upon receipt of the notice until hearing;
- (2) The reasons for the suspension;
- (3) The date, time and place of the hearing.

B. If the holder fails to appear in person or by an attorney, or does appear but fails to show cause why his license should not be permanently revoked to the satisfaction of the commissioner, then he shall order the license permanently revoked. If the holder does appear in person or by attorney and satisfies the commissioner that the license should not be permanently revoked, then he shall immediately reinstate it.

**§ 2073. Operation of watercraft**

The following provisions apply to all specified watercraft and other specified devices operated upon any of the waters within the jurisdiction of this State.

1. Reckless operation prohibited. It is unlawful for any person to operate any watercraft, water skis, surfboard or similar device recklessly.
2. Operating under influence prohibited. It is unlawful to operate any watercraft or to operate or manipulate any water skis, surfboard or similar device while intoxicated, or under the influence of intoxicating liquor, narcotic drugs, barbiturates or marijuana. Standards, tests and procedures applicable in determining whether a person is under the influence, within the meaning of this section, shall be those applicable pursuant to Title 29, section 1312.
3. Operating to endanger prohibited. It is unlawful for any person to operate any watercraft, water skis, surfboard or similar device so as to endanger any person or property.
4. Prudent speed required. It is unlawful to operate any watercraft except at a reasonable and prudent speed for the existing conditions. The speed of watercraft shall at all times be so regulated as to avoid danger or injury or unnecessary inconvenience in all manner to other watercraft or any occupants therein whether anchored or under way, waterfront piers, floats or other property or shorelines either directly or by the effect of the wash or wave created by such watercraft through its speed or otherwise.
5. Operation in bathing areas prohibited. It is unlawful to operate a motorboat within any bathing area marked or buoyed for bathing.
6. Age restriction for operation. It is unlawful for any person under 12 years of age to operate any motorboat propelled by machinery of more than 10 horsepower unless he is under the immediate supervision of a person located in the motorboat who is at least 16 years of age.
7. Molesting wildlife. No person shall operate any watercraft on waters of this State so as to pursue, molest, harass, drive or herd any wild bird or mammal, except as may be permitted during the open season thereof.
8. Mufflers. It shall be unlawful to operate a motorboat on the waters of this State unless it shall be equipped at all times with an effective and suitable muffling device on the engine or engines thereof to effectively deaden or muffle the noise of the exhaust, provided that motorboats which are operating in a regatta or race approved by the division under section 2074, subsection 2, may use cut outs for such motorboats while on trial runs, or competing in speed events, not to exceed 48 hours immediately preceding or following such an authorized event.

**§ 2074. Safety equipment and regattas****1. Safety equipment.**

- A.** All watercraft while in use on the waters of this State shall comply with the same requirements pertaining to lights, life-saving devices, fire



extinguishers and other safety equipment as required by federal laws and regulations on federal navigable waters as promulgated under the Federal Boat Safety Act of 1971 (Public Law 92-75). The commissioners may prescribe additional equipment not in conflict with Federal Navigation Laws if there is a demonstrated need.

B. The operator shall be responsible to see that watercraft are equipped as specified in this section before operating said watercraft on the waters of this State.

C. Canoes, owned by a boys' or girls' summer camp located upon internal waters in Maine and duly licensed by the Department of Health and Welfare, utilized by campers under the direction and supervision of a camp counselor, at least 18 years of age, during training and instruction periods on waters adjacent to the main camp within a distance of 500 feet from the shoreline of such camp, shall be exempt from this subsection.

D. Log rafts carrying not more than 2 persons, and used on ponds or lakes on internal waters of less than 50 acres in area, are exempt from carrying personal flotation devices.

2. Regattas, races, exhibitions. Whenever a regatta, race, boat or water ski exhibition is to be held on any of the internal waters of this State, the person or persons in charge of it shall request written permission from the division at least 15 days prior to the event.

A. The request must be in writing, set forth the date, time and location of the event.

B. It is unlawful to hold such an event without written permission from the division.

C. The person or organization obtaining the permission is responsible for providing reasonable protection as prescribed by the division from water traffic interference and hazards and must take reasonable precautions to safeguard persons and property.

D. During any authorized event, the officials conducting it shall conspicuously display one or more orange warning flags of a size not less than 4 feet by 4 feet while the event is in progress. It is unlawful for any watercraft other than the participants to cross or traverse the course or area of the authorized event when said warning flag is displayed, except in an emergency. The officials conducting the event shall remove the warning flag or flags for reasonable periods of time during the event to allow non-participating watercraft to pass through the area.

## § 2075. Accidents

The provisions of this section apply to all watercraft operated on any waters within the jurisdiction of this State.

1. Duty to render aid. It is the duty of every operator of any watercraft involved in a collision, accident or other casualty to render all necessary aid and assistance to all persons involved, so far as he can do so without serious danger to his watercraft, crew and passengers, if any.

2. Operators involved in accident to identify themselves. The operator of any watercraft involved in an accident or collision shall give his name, address and identification of his watercraft to any person injured and to the owner of any property damaged.

3. Accident report required. The operator or owner of any watercraft involved in any casualty or accident while using a watercraft which results in the death of a person, a person losing consciousness or receives medical treatment or is disabled for more than 24 hours or a person disappears from a watercraft under circumstances that indicate death or injury, damage to the watercraft or other property of more than \$100 must file a written accident report on forms provided by the division containing such information as required. Said report must be made within 48 hours of the occurrence if a person dies or disappears, loses consciousness or receives medical treatment or is disabled for more than 24 hours. A report involving property damage only may be made within 5 days of the occurrence.

In addition to making a written report to the division, the owner or operator shall report said occurrence to the nearest available law enforcement officer where the accident occurred.

4. 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 division pursuant to this section shall be transmitted to said official or agency of the United States.

§ 2076. Restrictions on power boats;  
Portage Lake and Quimby Pond

No person shall operate any boat or canoe propelled by motor on that portion of Portage Lake in Townships T. 13, R. 6, W. E. L. S., County of Aroostook, known as the Floating Island Area, north and westerly of a line beginning at the eastern edge of the marshy peninsula running out from Hutchinson Ridge, running 50 yards outside of the floating islands in a northerly direction to the mouth of Mosquito Brook.

No person shall operate any boat or canoe propelled by motor on Quimby Pond in the Town of Rangeley, Franklin County.

§ 2077. —Jerry Pond

It shall be unlawful for any person, firm or corporation to use motors on watercraft in and upon the waters of Jerry Pond, so called, situated within the boundaries, or having a shore line abutting, the incorporated municipality of Millinocket and the unincorporated townships being T. 1, R. 7 and T. A., R. 7, all in the County of Penobscot.

§ 2078. —Ox Brook Lakes

No person, except officers empowered to enforce this chapter, shall operate a motorboat on Upper and Lower Ox Brook Lakes in the Towns of T.6 ND, T.6 RI and Talmadge in the County of Washington.

§ 2079. —Nesowadnehunk (Sourdnahunk) Lake

No person shall operate any boat or canoes, propelled by motor on Little Nesowadnehunk (Sournahunk) Lake, in T. 5, R. 11, Piscataquis County.

§ 2080. —Eagle Lake, Jordan Pond and Long Pond

No person, except officers empowered to enforce this chapter, shall operate a motorboat having more than 10 horsepower on Eagle Lake and Jordan Pond, Mt. Desert Island, Hancock County and Long Pond, T. E. and T. D., Franklin County.

§ 2081. —Snow's Pond; use of power boats

No person, except officers empowered to enforce this chapter, shall operate a motorboat on a body of water commonly known as and referred to in the Dunham-Davee Work Plan as Snow's Pond situated west of Route 7 in the Town of Dover-Foxcroft, Piscataquis County.

§ 2082. —Long Pond, Oxford County

No person, except officers empowered to enforce this chapter, shall operate a motorboat having more than 6 horsepower on Long Pond, Town of Denmark, Oxford County.

§ 2083. —Lily Pond

No person, except officers empowered to enforce this chapter, shall operate on Lily Pond, Edgecomb, Lincoln County.

Sec. 2. R. S., T. 38, §§ 231 to 244, repealed. Sections 231 and 232, as amended; sections 233 to 236, as repealed and replaced by section 11 of chapter 17 of the public laws of 1973; section 237, as amended; section 238, as repealed and replaced by section 11 of chapter 17 of the public laws of 1973; sections 239 and 240, as amended; section 241; section 242, as enacted by chapter 43 of the public laws of 1967; section 243, as enacted by chapter 165 of the public laws of 1967; section 244, as enacted by section 99 of chapter 544 of the public laws of 1967 and as amended, of Title 38 of the Revised Statutes, are repealed.

Sec. 3. Rules and regulations declared lawful. Rules and regulations duly and properly promulgated under the repealed provisions of Title 38, sections 231 and 232 of the Revised Statutes and which were in effect on the effective date of this Act are hereby declared to be lawful and in effect until amended, revised or otherwise changed in accordance with the Revised Statutes, Title 12, chapter 308.

Sec. 4. General provisions. All certificates of number issued prior to the effective date of this Act shall continue in full force and effect until they expire and the owners shall display the validation stickers as required in the Revised Statutes, Title 12, Section 2069 until they renew their certificate of number under this Act. Any certificate of number issued by the Bureau of Watercraft Registration and Safety under authority of the Revised Statutes, Title 38, sections 233 and 234 prior to January 1, 1974 shall remain in full force and effect until they expire and the owners of these watercraft are not required to display said validation stickers until they renew their certificate of number under this Act.

Sec. 5. Funds and equipment transferred. All accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivisions of any account, of the Bureau of Watercraft Registration and Safety are transferred to the Division of Water-

craft Registration and Safety, Department of Inland Fisheries and Game by the State Controller upon the recommendation of the department head and the State Budget Officer, and upon approval by the Governor and Executive Council.

**Sec. 6. Personnel.** All employees and personnel of the Bureau of Watercraft Registration and Safety are hereby transferred to the Division of Watercraft Registration and Safety as established under this Act.

**Sec. 7. Watercraft Fund.** The Watercraft Fund as established by the Revised Statutes, Title 38, Chapter 1, Subchapter VI, is hereby transferred to the Division of Watercraft Registration and Safety as established under this Act.

Effective June 28, 1974

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## CHAPTER 735

### AN ACT Repealing Certain Laws Relating to Games of Chance.

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

Whereas, there are certain weaknesses in the gambling laws; and

Whereas, confusing and conflicting statutes prevent effective enforcement of these laws; and

Whereas, certain organizations deserve to raise money for worthwhile causes; 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., T. 17, § 301-A, repealed.** Section 301-A of Title 17 of the Revised Statutes, as enacted by section 1 of chapter 565 of the public laws of 1973, is repealed.

**Sec. 2. R. S., T. 17, § 306, amended.** Section 306 of Title 17 of the Revised Statutes, as amended by section 4 of chapter 565 of the public laws of 1973, is further amended to read as follows:

#### § 306. Effect of other laws

All acts and parts of acts inconsistent herewith shall be inoperative as to this chapter and the share of the state stipend for aid and encouragement to agricultural societies shall not be withheld from any such society because of the conducting on the fair grounds of the game of "Beano" or "Bingo" or ~~or~~ ~~games of chance as authorized by section 1803.~~