

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

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1961 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 2

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**Discard Previous Pocket Part Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1961

**Sec. 103-A. Jurisdiction for prosecutions under sections 95 to 112.** — Trial justices and municipal courts within their counties shall have original and concurrent jurisdiction with the superior court in all prosecutions under any provisions of sections 95 to 112. Any person, arrested as a violator of said sections, may with reasonable diligence be taken before the municipal court nearest to where the offense is alleged to have been committed for a warrant and trial, and in such case jurisdiction is granted to all municipal courts in adjoining counties to be exercised in the same manner as if the offense had been committed in that county. If a trial justice whose usual place of holding court in the county where the offense is alleged to have been committed is nearer to where the offense is alleged to have been committed than is any municipal court, such violator may be taken before such trial justice for warrant and trial. (1961, c. 124.)

**Sec. 109. Expenses.**—All expenses incurred under the provisions of sections 95 to 104, inclusive, and sections 109 to 111, inclusive, shall be paid from the funds raised and created by the tax assessed under the provisions of section 96. (R. S. c. 32, § 84. 1945, c. 378, § 32. 1951, c. 271, § 2. 1955, c. 473, § 12. 1957, c. 397, § 27; c. 418, § 13; c. 429, § 41.)

**Effect of amendments.** — The 1955 amendment increased the annual additional compensation of the forest commissioner in the former third sentence.

The first 1957 amendment struck out the former second sentence relative to compensation of the deputy forest commissioner and also the former third sentence relative to additional compensation of the commissioner. The second 1957 amendment, effective July 1, 1957, reen-

acted the former third sentence to read as follows: "The commissioner shall also receive from said funds the sum of \$7,500 per year in addition to the salary as now provided by law." It also carried appropriations for the fiscal years ending in 1958 and 1959. The third 1957 amendment, which became effective on its approval, October 31, 1957, again repealed the former third sentence of the section.

### Camp Sites and Lunch Grounds.

**Sec. 113. Public camp sites and lunch grounds.**—It shall be unlawful for any person or persons to erect any trailer, shelter or tent from May 1st to November 30th at any public camp site or lunch ground maintained or authorized by the forestry department within the state and leave such trailer, shelter or tent for more than one week in any 30-day period. It shall also be unlawful to erect any trailer, shelter or tent nearer than 20 feet from any fireplace at any public camp site or lunch ground. Persons already having occupied a camp site or lunch ground maintained or authorized by the forestry department for more than one week shall leave at the request of the forest commissioner or his representatives, or any fish and game warden. The failure of any person to comply with the provisions of this section shall, on conviction, be punished by a fine of not less than \$10, nor more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. (1955, c. 291.)

## Chapter 36-A.

### Operation of Boats.

**Effective date.**—P. L. 1959, c. 349, adding this chapter, provided in section 2 thereof as follows: "This act shall become effective on April 1, 1960."

**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. (1959, c. 349, § 1.)

**Sec. 2. Definitions.**—As used in this chapter, unless the context clearly requires a different meaning:

“Commissioner” means the commissioner of inland fisheries and game.

“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. (1959, c. 349, § 1; c. 374, § 1.)

**Effect of amendment.** — P. L. 1959, c. 374, effective April 2, 1960, added the definition of commissioner.

**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. 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. (1959, c. 349, § 1; c. 374, § 2.)

**Effect of amendment.** — P. L. 1959, c. 374, effective April 2, 1960, eliminated at the end of the first sentence an exception as to motorboat owned by a nonresident.

**Sec. 4. Identification number.**—

**I. Application; certificate of number.** The owner of each motorboat requiring numbering by this state shall file an application for number with the commissioner on forms approved by him. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee of \$5. 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 assigned 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 boat the identification number assigned in order that it may be clearly visible. The number shall be not less than 3 inches in height. 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 numbering 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 recodation 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. Ownership transferred or use of vessel discontinued.** Whoever transfers the ownership or discontinues the use of a numbered motorboat or vessel and applies to the commissioner for numbering of another motorboat or vessel within the license period shall be entitled to a certificate of number 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, showing that the ownership of such motorboat or vessel has been transferred or its use discontinued and that the certificate has been cancelled. If any certificate of number is lost, mutilated or illegible, the owner of a boat may obtain a duplicate upon application and for a fee of \$1;

**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 25¢ 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. Expiration.** Every certificate of number previously issued shall expire on midnight of December 31, 1962, and thereafter on 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. (1959, c. 349, § 1; c. 374, §§ 3, 4. 1961, c. 335, §§ 1, 2, 3, 4.)

**Effect of amendments.**—P. L. 1959, c. 374, effective April 2, 1960, rewrote subsection I, eliminated "of inland fisheries and game" in the first and second sentences of subsection IV, substituted "the number assigned to" for "number plates issued on" in the first sentence of the subsection and added the last sentence in the subsection. P. L. 1961, c. 335, §§ 1 to 4, which becomes effective January 1, 1963, increased the fee

in subsection I from \$2 to \$5, deleted "permitting the use of the number assigned to the former motorboat or vessel" near the end of the first sentence of subsection IV, inserted "previously issued" and "December 31, 1962, and thereafter on" in subsection VII and deleted the last sentence of subsection X, providing for furnishing the applicant with four sets of identification plates at \$2 each.

**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. (1959, c. 349, § 1.)

**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. Repealed by Public Laws 1961, c. 335, § 5. (1959, c. 349, § 1. 1961, c. 335, § 5.)

**Effect of amendment.**—The 1961 amendment, which becomes effective January 1, 1963, deleted subsection VII, which re-

lated to certain motorboats kept for use in connection with any licensed boy's or girl's camp.

**Sec. 7. Motorboats for hire.**—The owner of every motorboat maintained for hire upon any inland body of water to which the public has access, including all vessels propelled by outboard motor but excluding vessels under the jurisdiction of the public utilities commission as set forth in chapter 49, before renting or offering for hire such vessel, shall apply to and obtain from the commissioner a certificate authorizing its use for such purpose. The owners of all motorboats required to be registered under this section shall further comply with all the pro-

visions contained in sections 3 and 4, regardless of the fact that the vessel in question is propelled by machinery of less than 10 horsepower.

Every operator of a motorboat propelled by outboard motor and carrying passengers for hire shall be examined by the commissioner, through the warden service as to his qualifications, and if satisfied therewith, the commissioner shall grant him a license for such operation, which license shall expire on the last day of the calendar year in which it is issued unless sooner revoked by the commissioner for intemperance, incompetency or willful violation of duty. The commissioner may grant a renewal of such license upon written application and without further examination. Said license shall be in the possession of the operator at all times when he is carrying passengers for hire in such motorboat. (1959, c. 349, § 1. 1961, c. 335, § 6.)

**Effect of amendment.**—Prior to the 1961 amendment, which becomes effective January 1, 1963, and which rewrote this section, this section read: "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 de-

signed 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. (1959, c. 349, § 1.)

**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. (1959, c. 349, § 1.)

### **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. Reports.** In the case of collision, accident or other casualty involving a vessel numbered under this chapter, 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 the commissioner may, by regulation, require. Such report shall not be referred to in any way and shall not be evidence in any judicial proceeding. (1959, c. 349, § 1. 1961, c. 335, § 7.)

**Effect of amendment.**—The 1961 amendment, which becomes effective January 1, 1963, inserted “numbered under this chapter” following “vessel” near the beginning of subsection II and deleted “of inland fisheries and game” following “commissioner” in two places in that subsection.

**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. (1959, c. 349, § 1.)

**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. (1959, c. 349, § 1.)

**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. (1959, c. 349, § 1.)

**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. All fines, penalties or officers' costs shall accrue to the treasurer of state, in accordance with chapter 37, section 129. (1959, c. 349, § 1; c. 374, § 5.)

**Effect of amendment.** — P. L. 1959, c. 374, effective April 2, 1960, added the second sentence in the section.

**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.

The commissioner may establish safety zones for the purpose of limiting use and boat speeds and make reasonable rules and regulations necessary for the proper administration of this chapter. (1959, c. 349, § 1. 1961, c. 335, § 8.)

**Effect of amendment.**—The 1961 amendment which becomes effective January 1, 1963, added the second paragraph.

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## Chapter 37.

### Inland Fisheries and Game.

Sections 24- 33. Inland Fish and Game Wardens.

Sections 39 to 67-A. Fishing. Open Seasons. Size and Weight of Fish. Regulations in Lumber Camps. Implements and Devices Prohibited. Ice Fishing. Transportation of Fish. Stocking of Lakes and Streams. Cultivation of Fish. Jurisdiction of Commissioner. Operation of Boats on Inland Waters. Restricting the Use of Power Boats.