

# MAINE STATE LEGISLATURE

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**WATERS AND NAVIGATION**

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**CHAPTER 1**

**OPERATION OF VESSELS**

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**SUBCHAPTER I**

**HARBOR MASTERS**

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**§ 1. Appointment; compensation**

Selectmen of towns, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall annually appoint a harbor master who shall be sub-

ject to all the duties and liabilities of said office as prescribed by law, and in case of the failure or refusal of said harbor master to perform said duties, he shall be subject to a fine of \$25, for the benefit of the town, for each willful neglect or refusal to attend the same. The selectmen may establish his compensation and may for cause by them declared in writing, after due notice to such officer and hearing thereon, if requested, remove him and appoint another in his stead.

R.S.1954, c. 98, § 1.

### § 2. Rules for channel lines; enforcement

The municipal officers of all maritime towns and plantations shall make rules and regulations for the keeping open of convenient channels for the passage of vessels in the harbors and waterways of the towns for which they act, and shall establish the boundary lines of such channels and assign suitable portions of their harbors for anchorages.

Such rules and regulations as may be made by such municipal officers shall be enforced and carried out by the harbor master of said town, who may appoint a deputy to act in case of his absence or disability.

R.S.1954, c. 98, § 2; 1961, c. 395, § 36.

### § 3. Mooring sites

In all harbors wherein channel lines have been established by the municipal officers, as provided in section 2, and in all other harbors where mooring rights of individuals are claimed to be invaded and protection is sought of the harbor master, he shall assign and indicate to the master or owner of boats and vessels the location which they may occupy with or for mooring purposes, the kind of mooring to be used and shall change the location of said moorings from time to time when the crowded condition of such harbor or other conditions render such change desirable. He shall assign mooring privileges in such waters in all cases where individuals who own the shore rights or have an interest in the same are complainants, and shall locate suitable mooring privileges therefor for boats and vessels, temporarily or permanently as the case may be, fronting their land, if so requested, but not thereby to encroach upon the natural channel or channels established by municipal officers. The municipal officers shall fix the compensation of the harbor master for such services rendered.

R.S.1954, c. 98, § 3; 1961, c. 395, § 37.

**§ 4. Neglecting to remove or replace moorings**

In case of the neglect or refusal of the master or owner of any boat or vessel to remove his mooring or to replace it by one of different character, when so directed by the harbor master, said harbor master shall cause said mooring to be removed or shall make such change in the character thereof as required, and shall collect from the master or owner of such boat or vessel the sum of \$2 for either of such services rendered and the necessary expenses.

R.S.1954, c. 98, § 4.

**§ 5. Removal of vessels obstructing anchorage**

A harbor master shall, upon complaint to him by the master, owner or agent of any vessel, cause any other vessel or vessels obstructing the free movement or safe anchorage of such vessel to remove to a position to be designated by him, and to cause, without any complaint being made to him, any vessels anchoring within the channel lines as established by the municipal authorities as provided in section 2 to remove to such anchorage as he may designate. Whoever neglects or refuses to obey the orders of such harbor master shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 60 days, or by both.

If such vessel has no crew on board, or if the master or other person in charge neglects or refuses to move such vessel as directed by the harbor master, then and in that case such harbor master may put a suitable crew on board and move such vessel to a suitable berth at a wharf or anchorage at the cost and risk of the owners thereof, and shall charge \$2, to be paid by the master or owner of such vessel, which charge together with the cost of the crew for removing such vessel the harbor master may collect by civil action.

R.S.1954, c. 98, § 5; 1961, c. 317, § 294.

**§ 6. Power to arrest for assault**

Harbor masters may arrest and deliver to the police authorities on shore any person committing an assault upon them or another person acting under their authority.

R.S.1954, c. 98, § 6.

## SUBCHAPTER II

## PORT WARDENS

Sec.

41. Election; qualifications; term; removal; vacancies; records.
42. Duties; vessels arriving.
43. —Distressed vessels.
44. —Wrecked or damaged vessels.
45. Fees.
46. Jurisdiction; impersonation; penalty.

**§ 41. Election; qualifications; term; removal; vacancies; records**

Port wardens shall be elected in any city or town situated on navigable waters upon the petition of 10 or more citizens engaged in commercial pursuits therein.

If in such city or town there is a board of trade duly incorporated, said board shall annually elect the port warden. Otherwise the municipal officers thereof shall annually elect him.

Port wardens shall be men of commercial or nautical experience and shall hold office one year from each election and until others are qualified in their stead, except when removed for cause or when elected to serve out an unexpired term. They shall be sworn faithfully to perform their duties.

Said boards of trade, by their managers, or said municipal officers shall forthwith on complaint of any person aggrieved, after hearing, remove for cause any port warden by them elected, and all vacancies shall be filled by said authorities.

Port wardens shall make a record of their doings and keep the same in their office for inspection at any time, free of charge, by any person interested therein.

R.S.1954, c. 99, § 7.

**§ 42. Duties; vessels arriving**

When requested by any person interested, port wardens shall proceed on board of any vessel on her arrival in port and survey her hatches and notice if they are properly caulked and secured, and if they have been opened by some person not a port warden, that fact shall be noticed, and all the facts in relation to the hatches of said vessel shall be entered in the official record.



They shall examine the condition and stowage of the cargo of any vessel, and if any portion of it is found to be damaged, they shall inquire into and ascertain the cause thereof, and make a memorandum of the same, noting particularly the marks and numbers of each damaged package, and shall enter the same in full in the records of their office. For the purpose of ascertaining the extent of said damage, they shall examine goods, wares or merchandise of any description in any warehouse or store, or on any wharf or at any place where the same are, provided said goods, wares or merchandise are part of the cargo and are claimed to be damaged. They shall note particularly the marks and numbers of every package examined by them and the extent of the damage received, and all the facts in relation thereto shall be entered in the records of their office.

R.S.1954, c. 99, § 8.

#### § 43. —Distressed vessels

When requested in writing by any person interested, port wardens shall survey the cargo of any vessel arriving in port in distress, and shall make and record in the books of their office, a full and particular report of the condition of said cargo, and of their recommendations in relation to the disposal of such portions of the same as in their judgment may not be in condition for reshipment, reference being had to the best interests of all concerned.

R.S.1954, c. 99, § 9.

#### § 44. —Wrecked or damaged vessels

When requested in writing by any person interested, port wardens shall survey any vessel which may have suffered wreck or damage, or which may be deemed unseaworthy. Such port wardens shall call to their assistance one merchant and one shipwright, both of whom shall be competent and disinterested persons and shall be sworn faithfully to perform their duties in the examination and survey. Said surveyors and port wardens shall examine the hull, spars, sails, rigging and all the appurtenances of said vessel, and make and record in the books of the port wardens' office a full and particular report of all the surveys by them held on said vessel, specifying what damage she has sustained and what repairs in their opinion are necessary to render her again seaworthy. The aforesaid report shall be presumptive evidence of the necessity of such repairs and of the sufficiency of the same when made.

R.S.1954, c. 99, § 10.

**§ 45. Fees**

Port wardens shall be allowed fees to be paid by the person requesting their services, as follows: For survey of hatches, \$2; for each survey of cargo on shipboard, \$1; for certificate of stowage of cargo, \$2; for each subsequent certificate, \$1; for each survey to ascertain extent of damage, \$2; for each certificate thereof, \$2; for each survey required by section 43, \$4; for each certificate thereof, \$2; on each survey as required by section 44 for each person, \$2; for each certificate thereof, \$2.

R.S.1954, c. 99, § 11.

**§ 46. Jurisdiction; impersonation; penalty**

In the cities and towns for which they are elected, port wardens shall have exclusive jurisdiction in all matters pertaining to their duties, as specified in this subchapter and subchapters III, IV and V. Any other person who performs or attempts to perform any such duties in any city or town wherein there is a port warden forfeits for each offense \$100, to be recovered in a civil action by any prosecutor.

R.S.1954, c. 99, § 12; 1961, c. 317, § 298.

## SUBCHAPTER III

## PILOTS

Sec.

81. Appointment; bond.
82. Duties.
83. Fees; complaints; suspension or removal.
84. Liability for damage.

**§ 81. Appointment; bond**

The Governor, with the advice and consent of the Council, may appoint pilots for any port in which a majority of the ship owners and masters apply in writing therefor and recommend suitable persons, and shall give to each of them branches or warrants for the execution of the duties of his office. Such pilots shall, before entering upon said duties, give bond to the Treasurer of State.

R.S.1954, c. 99, § 1.

**§ 82. Duties**

Such pilots shall take charge of all vessels drawing 9 feet of water and upwards, bound into, and of all such vessels, except coasting and fishing vessels, bound to sea out of any of said ports, and shall pilot them into or out of the port assigned them, first showing to the masters thereof their branches and informing them of their fees. Any master may pilot his own vessel without being subject to pay therefor.

R.S.1954, c. 99, § 2.

**§ 83. Fees; complaints; suspension or removal**

The Governor and Council may fix the fees of pilotage, specify the same in the branch of each pilot, transmit to each collector of customs in said ports a schedule thereof, to be hung up by him for public inspection, hear and determine all complaints against such pilots for misconduct, and suspend or remove them and appoint others in their places.

R.S.1954, c. 99, § 3.

**§ 84. Liability for damage**

If any vessel, while under the charge of such pilot, is lost, run aground or cast away, through his fault, he is liable to pay the owner or insurer a just compensation for any damage thereby sustained.

R.S.1954, c. 99, § 4.

## SUBCHAPTER IV

## LIGHTERS AND HARBORS

Sec.

121. Marking; inspection and renewal.
122. Use without marks or false marks; penalty.
123. Appointment of inspectors; fees; remarking of boats.
124. Unlawful disposal or taking of ballast; penalty.

**§ 121. Marking; inspection and renewal**

Every boat or lighter employed in carrying stones, sand or gravel shall be marked at light-water mark, and at least 5 other places, with the figures 4, 12, 16, 24 and 30, legibly made on the stem and sternpost thereof, expressing the weight which such boat or lighter is capable of carrying, when the lower part of the

respective numbers touches the water in which it floats. Such marks shall be inspected yearly, and when found illegible in whole or in part, they shall be renewed.

R.S.1954, c. 99, § 13.

**§ 122. Use without marks or false marks; penalty**

The master or owner who uses his craft without such marks prescribed in section 121 and any person who falsely marks any such boat or lighter forfeits \$50 to be recovered by any prosecutor in a civil action.

R.S.1954, c. 99, § 14; 1961, c. 317, § 299.

**§ 123. Appointment of inspectors; fees; remarking of boats**

The municipal officers of every town where boats and lighters are employed for the purposes set forth in section 121 shall annually, in April or May, appoint some suitable person who shall be sworn to examine and ascertain the capacities of all such boats and lighters, and mark them as prescribed. Said officers shall establish and regulate the fees therefor.

When such inspector thinks that the burden or capacity of any such boat or lighter is altered by repairs or otherwise, he shall forthwith ascertain the same anew and mark it accordingly.

R.S.1954, c. 99, § 15.

**§ 124. Unlawful disposal or taking of ballast; penalty**

No master of any vessel shall throw overboard ballast in any road, port or harbor, under penalty of \$60, and no person shall take any stone or other ballast from any island, beach or other land, without consent of the owner, under a penalty of not more than \$7 for each offense, to be recovered in a civil action by any prosecutor,  $\frac{1}{2}$  for himself and  $\frac{1}{2}$  for the town where the offense is committed.

R.S.1954, c. 99, § 16; 1961, c. 317, § 300.

## SUBCHAPTER V

## SHIP OWNERS

Sec.

- 161. Liability to freighters.
- 162. Charterer deemed owner; responsibility to real owner.

**§ 161. Liability to freighters**

No ship owner is answerable beyond the amount of his interest in the vessel and freight for the embezzlement, loss or destruction, by the master and mariners, of any property put on board of such vessel, nor for any act of theirs without his privity or knowledge. If several owners of property on the same voyage suffer such damage and the whole vessel and her freight for the voyage are not sufficient to compensate each of them, they shall be compensated by the owner of the vessel in proportion to their respective losses, and for that purpose, they or the owner of the vessel, or any of them, may file a complaint for discovery and payment of the sum, for which said owner is liable to the parties entitled thereto.

R.S.1954, c. 99, § 5; 1961, c. 317, § 297.

**§ 162. Charterer deemed owner; responsibility to real owner**

For the purposes of section 161 the charterer of any vessel, navigating the same at his own expense, shall be deemed the owner. If loss happens to any person from the causes therein mentioned and it is compensated from the freight or vessel, the owner thereof may recover the amount from the charterer.

R.S.1954, c. 99, § 6.

## SUBCHAPTER VI

## WATERCRAFT REGISTRATION AND SAFETY

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- 202. Local regulation prohibited.
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Sec.

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## ARTICLE 1. GENERAL PROVISIONS

## § 201. Definitions

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

1. **Bow.** "Bow" means the forward half of the watercraft.
2. **Bureau.** "Bureau" means the Bureau of Watercraft Registration and Safety established in section 231.
3. **Bureau heads.** "Bureau heads" means the Commissioner of Inland Fisheries and Game and the Commissioner of Sea and Shore Fisheries acting in their capacity as heads of the Bureau of Watercraft Registration and Safety.
4. **Bureau personnel.** "Bureau personnel" means all persons employed by the Bureau of Watercraft Registration and Safety other than the bureau heads.
5. **Coastal waters.** "Coastal waters" means all waters of the State within the rise and fall of the tide and the marine limits of the jurisdiction of the State, but it does not include waters within or above any fishway or dam when that fishway or dam is normally the dividing line between tidewater and fresh water, nor does it include waters above any tidal bound that has been legally established in streams flowing into the sea.

**6. Inland waters.** "Inland waters" means all the rivers, streams, ponds, lakes and all other bodies of water wholly or partially within the jurisdiction of the State of Maine, except coastal waters as defined in this section.

**7. Motorboat.** "Motorboat" means any watercraft 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 the watercraft.

**8. 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.

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

**10. Operation.** The noun "operation" when it refers to watercraft of any type or description means the act of operating as defined in subsection 9.

**11. Owner.** "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.

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

**13. Undocumented motorboat.** An "undocumented motorboat" means an undocumented vessel, any vessel or watercraft which is not required by federal law to have and does not have a valid marine document issued by the Federal Bureau of Customs.

**14. 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.

**15. Waters of this State.** "Waters of this State" means all inland waters and all coastal waters within the jurisdiction of the State of Maine.

**16. 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.

1963, c. 354, § 1.

### § 202. 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 subchapter.

**1. Bureau regulations excepted.** Nothing in this section is to be construed to prohibit the adoption of regulations by the bureau heads as authorized in section 231.

1963, c. 354, § 1.

### § 203. Disposition of fines and fees; Watercraft Fund

All fines and fees collected under this subchapter are disposed of as follows:

**1. Fees collected.** All fees collected for certificates, licenses and permits by the bureau are paid daily to the Treasurer of State and accrue to the Watercraft Fund provided in this section.

**2. Fines and costs collected.** Each county shall pay all fines, forfeitures and penalties collected for violations of this subchapter 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 accrue to the Watercraft Fund provided in this section.

**3. Watercraft Fund established.** All the revenue acquired under this section constitutes a separate fund to be known as the "Watercraft Fund." The fund does not lapse and the proceeds are to be used for the following purposes:

**A.** To pay the bureau personnel and all office and administrative costs of the bureau;

**B.** Each fiscal year any amount in the Watercraft Fund, which in the discretion of the 2 bureau heads is not needed for the bureau personnel, office and administrative expenses, is to be paid over to the Department of Inland Fisheries and Game and the Department of Sea and Shore Fisheries in proportion to all revenues paid into the Watercraft Fund un-



der this subchapter from inland waters and coastal waters respectively during the fiscal year last completed. The amounts thus paid the departments are to help defray the costs of the enforcement of this subchapter.

1963, c. 354, § 1.

### § 204. Certificate of bureau head admissible in evidence

A certificate signed by either bureau head, stating what the records of the bureau show on any given matter are admissible in evidence in all courts of this State to prove what the records of the bureau 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 either of the bureau heads, stating that the records of the bureau do not show that a particular person on a stated date held a certificate of number, a license or permit issued under this subchapter, 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 either bureau head stating that the records of the bureau show that a particular person's certificate, license or permit issued under this subchapter 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 bureau regulations. Proof of them by certificate is provided in section 232.

1963, c. 354, § 1.

### § 205. Enforcement

Inland fisheries and game wardens, coastal wardens, state police officers and all other law enforcement officers of this State have authority to enforce this subchapter and to arrest persons in violation of this subchapter.

**1. Stopping and boarding.** All such officers when in uniform have authority to stop any watercraft, inspect any water-

craft and its certificate of number and to board all watercraft where necessary to enforce this subchapter and to make arrests.

1963, c. 354, § 1.

### § 206. Penalties

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

1963, c. 354, § 1.

## ARTICLE 2. CONDITIONS AND RESTRICTIONS

### § 231. Bureau of Watercraft Registration and Safety

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

**1. Purposes of bureau.** The bureau is established to provide an agency to register watercraft as provided in this subchapter and to promote safety for persons and property in connection with the use and operation of watercraft.

**2. Bureau heads.** The Commissioner of Inland Fisheries and Game and the Commissioner of Sea and Shore Fisheries head the bureau.

**3. Bureau composition.** The bureau consists of such clerical and administrative personnel as the 2 commissioners find necessary to adequately perform the administrative duties of this subchapter and both commissioners shall supply the personnel from their respective departments. All bureau personnel are paid from the Watercraft Fund provided in section 203.

**4. Bureau may adopt regulations.** The bureau heads, acting jointly, may adopt and amend regulations under the procedure provided in section 232 which are not inconsistent with this subchapter covering the following subject matter:

**A.** Regulations to further establish administrative procedure under this subchapter,

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

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

1963, c. 354, § 1.

### § 232. Regulations; force of law; penalties

The following provisions apply to the regulations authorized in section 231.

**1. Adoption procedure.** When the 2 heads of the bureau, acting jointly, decide it is necessary or desirable to adopt or amend any of the regulations authorized in section 231, 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 bureau heads 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.

**D.** The bureau heads shall cause a copy of the adopted regulations, certified by either of the bureau heads, 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 231 have the force of law, and whoever violates any provision of them shall be punished by the penalties provided in section 206.

**3. Proof of regulation by certificate.** A certified copy of any one of the regulations authorized in section 231 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 subchapter.

**A.** The certified copy must be certified by either of the 2 bureau heads and must be accompanied by the signed statement of either bureau head that it was in force and effect on the date of the alleged violation.

1963, c. 354, § 1.

### § 233. Certificate numbers required; display

The following provisions apply to every undocumented motorboat on the waters of the State which is propelled by machinery of more than 10 horsepower, whether or not such machinery is the principal source of power, and all motorboats for hire as defined in section 201, 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 boat shall obtain a certificate of number for the motorboat from the bureau 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 such a motorboat on any waters within the jurisdiction of this State without a current 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.

**2. To display identification number.** It is unlawful to operate or give permission to operate such a motorboat on any waters within the jurisdiction of this State unless the identification number assigned by the bureau and authorized by this subchapter is displayed on each side of the bow of the boat in the following manner:

**A.** The numbers must be painted or permanently attached to the hull 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 may be 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 an equivalent space 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 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.** It is unlawful to paint, attach or otherwise display any other number, any sign, name or design, on either side of the bow of such a motorboat, provided that this paragraph shall not apply to motorboats 26 feet in length or over.

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

**A.** A motorboat already covered by a "Maine" number having a "ME" prefix which is in full force and effect issued to it pursuant to federal law; provided the number is displayed on the motorboat;

**B.** A motorboat already covered by a current certificate of number issued under a federally approved numbering system of another state, provided the number so issued is displayed on the motorboat and provided the motorboat has not been within this State for a period in excess of 90 consecutive days;

**C.** A motorboat already covered by a number in full force and effect issued to it pursuant to federal law which is not a "Maine" number having a "ME" prefix, provided the number so issued is displayed on the motorboat and provided the motorboat has not been within this State for a period in excess of 90 consecutive days;

**D.** A motorboat whose owner is the United States, a state or subdivision thereof;

**E.** A ship's lifeboat;

**F.** Motorboats from countries other than the United States of America which are temporarily using the waters of this State;

**G.** A motorboat belonging to a class of boats which have been exempted from numbering by regulation of the bureau heads after they have determined that the numbering of such motorboats will not materially aid in their identification, provided such motorboats would also be exempt from numbering under federal law if they were subject to federal law.

**4. Numbering at request of owner.** Nothing in this section shall prohibit the numbering of any motorboat upon the request of the owner.

1963, c. 354, § 1.

### § 234. 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 233.

**1. Application, certificate.** The owner shall make application to the bureau on forms approved by the 2 bureau heads. Upon receipt of the application in approved form, together with the proper form, together with the proper fee, the bureau 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 bureau heads deem 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 the certificate of number are as follows:

- |  |      |
|--|------|
| <b>A.</b> Motorboats used primarily for commercial fishing on coastal waters.              | \$ 3 |
| <b>B.</b> Dealer's or manufacturer's certificates of number as authorized in subsection 8. | \$10 |
| <b>C.</b> Any duplicate certificate of number.   | \$ 1 |

- D.** Certificate of number issued with transfer of ownership authorized in subsection 4. \$ 1
- E.** All other certificates of number. \$ 5

**3. Numbers permanent.** A number once awarded under this subchapter to a motorboat remains with that boat until the boat is destroyed, abandoned or permanently removed from this State.

**4. Transfer of ownership.** Whoever transfers ownership or discontinues the use of a motorboat for which a certificate of number has already been issued under this subchapter 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 \$1 as set forth in subsection 2, paragraph D, provided the applicant returns to the bureau the old certificate of number properly signed and executed, showing that ownership of the motorboat has been transferred or its use discontinued.

**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 subchapter, 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.** The holder of any certificate of number issued under this subchapter may obtain a duplicate from the bureau upon application and payment of the fee set forth in subsection 2.

**7. Expiration date, renewal.** Every certificate of number awarded under this subchapter continues in force for 3 years following its 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 obtaining a certificate of number for each motorboat owned by him, make application on forms provided by the bureau 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 bureau

that he is otherwise qualified for a dealer's certificate of number, the bureau shall issue the same to him.

**B.** The dealer's certificate of number must contain the place of residence and the place of business of the applicant and a general distinguishing number in such form as determined by the 2 bureau heads.

**C.** The dealer or manufacturer shall display the number 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 to the motorboat as provided in section 233, subsection 2, paragraph A, subparagraph (1).

**D.** The dealer may obtain duplicates of his dealer's certificate of number upon application and payment of \$1 for each duplicate in order that he may readily comply with section 233, subsection 1.

**9. Public records.** All records made by the bureau pursuant to this section are public records.

1963, c. 354, § 1.

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

The owner of any motorboat which has been issued a certificate of number shall notify the bureau in writing of the transfer of all or any part of his interest, other than the creation of a security interest, in the motorboat covered by the certificate, of its permanent removal from the State, or of its destruction or abandonment. He shall notify the bureau of any change in his address. The owner shall give the notice within 10 days after the happening of the applicable event.

**1. Termination.** The transfer, permanent removal from the State, abandonment or destruction, terminates the certificate of number, except the transfer of a partial interest which does not affect the original owner's right to operate the motorboat does not terminate the certificate of number.

1963, c. 354, § 1.

**§ 236. Motorboats for hire**

The following provisions apply to all motorboats for hire as defined in section 201, except those subject to federal inspec-



tion requirements which have or are required to have a current valid federal inspection certificate on board. This section shall not apply to motorboats for hire which have satisfactorily passed an annual examination by the United States Coast Guard Auxiliary.

**1. Certificate required.** The owner shall apply to and obtain from the bureau a certificate authorizing its use for that purpose before renting the motorboat or carrying passengers for hire or offering to do either.

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

**B.** The bureau may cause such boats to be examined from time to time. If it is found upon examination that any motorboat for hire so certified is unsafe, the bureau heads shall immediately suspend the certificate 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, regardless of horsepower, which carries passengers for hire on the inland waters of this State, must obtain a license from the bureau 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 bureau and enclose a fee of \$1 with his application.

**B.** The 2 bureau heads 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 bureau 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 bureau heads 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 certificates and licenses.** The bureau heads shall suspend and revoke the certificate and license authorized by this section under the following procedure:

**A.** They shall give written notice to the holder of the certificate or license containing the following:

- (1) A statement that his certificate or 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.** Only one of the bureau heads need be present at the hearing. If the holder fails to appear in person or by attorney, or does appear but fails to show cause why his license or certificate should not be permanently revoked to the satisfaction of the bureau head conducting the hearing, then he shall order the license or certificate permanently revoked. If the holder does appear in person or by attorney and satisfies the bureau head conducting the hearing that the license or certificate should not be permanently revoked, then he shall immediately reinstate it.

1963, c. 354, § 1.

### § 237. Operation of boats

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 narcotic drugs, barbiturates or marijuana.

**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 within 200 feet of the shoreline, or in a water safety

zone, except at a reasonable and prudent speed for the existing conditions.

**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.

1963, c. 354, § 1.

### § 238. Operation on inland waters

The following provisions apply only to the inland waters of this State:

**1. Equipment.** All motorboats requiring numbering under this subchapter, while in operation on the inland waters, shall comply with the same requirements pertaining to life preservers, lights, fire extinguishers and other equipment required by federal laws and regulations for legal operation on coastal waters.

**A.** All other watercraft not requiring numbering and in operation between the hours of sunset and sunrise must display a single illuminated white light, capable of showing all around the horizon, so as to make its presence known to all other watercraft in every direction which are within a reasonable distance. Nothing shall prohibit the display of lights required by federal laws or regulations in lieu of the single white light.

**2. Regattas, races, exhibitions.** Whenever a regatta, race, boat or water ski exhibition is to be held on any of the inland waters of this State, the person or persons in charge of it shall request written permission from the bureau 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 bureau.

**C.** The person or organization obtaining the permission is responsible for providing reasonable protection as prescribed

by the bureau 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.

1963, c. 354, § 1.

### § 239. 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 reports.** The operator of any watercraft involved in any accident or casualty, which results in death, disappearance or injury to any person or damage to property to the estimated amount of \$50 or more, shall report the same by the quickest means possible to the nearest available inland fisheries and game warden, coastal warden, state police officer, or the sheriff of the county where the accident occurred. All law enforcement officers shall forthwith report accidents to the bureau. The operator shall file a written accident report on forms provided by the bureau within 48 hours. He shall include his name and address and such other information as required by the bureau.

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

1963, c. 354, § 1.

**§ 240. Restrictions on power boats; Portage Lake, Pennamaquan River 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; and on that portion of Pennamaquan River in Pembroke, County of Washington, between the Little Falls Dam and the Iron Works Dam.

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

R.S.1954, c. 37, § 67; 1961, cc. 27, 173.

**§ 241. —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.

1961, c. 185.

SUBCHAPTER VII

OPERATING RESTRICTIONS

Sec.

- 281. Speed restrictions.
- 282. Endangering persons or property.
- 283. Operating recklessly.
- 284. Operation under influence of drugs or liquor.
- 285. Enforcement of operating restrictions.

**§ 281. Speed restrictions**

Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the

tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State at a speed greater than is reasonable and proper, having due regard for traffic, proximity to wharves, docks, moorings or shores, and for any other conditions then existing, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 90 days, or by both.

1961, c. 326.

### **§ 282. Endangering persons or property**

Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State in such a manner as to endanger any person or property shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 90 days, or by both.

1961, c. 326.

### **§ 283. Operating recklessly**

Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State recklessly, or in a wanton manner causing injury to any person or property, shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment for not more than 3 months, or by both. Whoever is convicted a 2nd time for a violation of this section shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 11 months, or by both.

1961, c. 326.

### **§ 284. Operation under influence of drugs or liquor**

Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 90 days, or by both.

1961, c. 326.

**§ 285. Enforcement of operating restrictions**

Every law enforcement officer in this State, including harbor masters and their deputies, shall have the authority to enforce this subchapter, and in the exercise thereof shall have the authority to stop and board any such watercraft, vessel or motorboat found in violation of said subchapter. It shall be unlawful for the operator of any such watercraft, vessel or motorboat to fail to stop upon hail from any such officer, and a violation of the same shall be punished as provided in section 282.

1961, c. 326.

SUBCHAPTER VIII

PUBLIC FACILITIES FOR BOATS

Sec.

321. Director of Maine State Park and Recreation Commission; duties.

322. Boating Facilities Fund.

323. Fees.

324. Leases.

**§ 321. Director of Maine State Park and Recreation Commission; duties**

The Director of the Maine State Park and Recreation Commission, with the advice of the Maine State Park and Recreation Commission, shall acquire, construct and maintain, within the funds available, public facilities for boats in the waters of the State, including but not limited to launching ramps, parking sites and access roads. Waters of the State means any waters within the territorial limits of the State, and the marginal sea adjacent to the State.

The Director of the Maine State Park and Recreation Commission shall decide where the facilities shall be located and which facilities shall be constructed by the Highway Department.

1963, c. 367, § 1.

**§ 322. Boating Facilities Fund**

There is created within the Maine State Park and Recreation Commission a Boating Facilities Fund, to which shall be credited 3.5¢ of the tax paid on fuel used in pleasure motor boats which is not refunded under Title 36, section 2910. This fund, as here-

tofore established, shall be available to the Director of the Maine State Park and Recreation Commission in carrying out its duties.

1963, c. 367, § 1.

**§ 323. Fees**

The Director of the Maine State Park and Recreation Commission may charge reasonable fees for the services provided by this subchapter. Such fees shall be used to supervise the facilities constructed. The Director of the Maine State Park and Recreation Commission may set aside no more than 10% of said fees per year as a reserve fund for repairs and maintenance of the facilities and for marking the waters where in its opinion a hazard to boating exists.

1963, c. 367, § 1.

**§ 324. Leases**

The Director of the Maine State Park and Recreation Commission may lease, on such conditions as he deems necessary, for a period not exceeding 30 years, parking lots and nearby sites for the purpose of having, constructing and maintaining by the lessees restaurants, gift shops, marinas and the like. The income from such leases shall be credited to the Boating Facilities Fund.

1963, c. 367, § 1.