

1-1-1983

Maine Boat Law, 1983

Maine Department of Inland Fisheries and Wildlife

Maine Division of Watercraft Registration and Safety

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MAINE BOAT LAW



LICENSING DIVISION
WATERCRAFT SECTION
284 STATE STREET
STATE HOUSE STATION 48
AUGUSTA, MAINE 04333

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Dear Maine Boater

In the interest of promoting greater enjoyment and safety on the waters of this State, the Maine Boat Law establishes basic safety standards of equipment and boat operation requirements.

While the law sets certain standards, nothing can take the place of COMMON SENSE in using your boat or COURTESY to your fellow boatmen and other people who use Maine's bountiful waters.

Each season we find greater numbers of people using our waterways for many different purposes—fishing, water skiing, racing, sailing, swimming, scuba diving or just a relaxing boat ride at dusk of day. Your good conduct and consideration on the water will mark you as a thoughtful skipper and help provide greater enjoyment for all.

Safe boating is fun for all and safe boating is your responsibility. Do your part in promoting courtesy and safety afloat.

Published Under Appropriation No. 4557.1
Containing Laws and Regulations in Effect

As of Jan. 1, 1983

WATERCRAFT, AIRMOBILES and COMMERCIAL WHITewater OUTFITTERS

SUBCHAPTER I

WATERCRAFT

§ 7791. DEFINITIONS

Unless a different meaning is plainly required for the purposes of this subchapter, the following words and terms shall have the following meanings.

1. **Bow.** "Bow" means the forward half of the watercraft.

1-A. **Airmobile.** "Airmobile" means any vehicle propelled by mechanical power that is designed to travel upon a cushion of air on or within 2 feet of the water or land surface of the earth.

2. **Division.** "Division" means the Division of Recreational Safety and Registration, a part of the Department of Inland Fisheries and Wildlife.

2-A. **Dwelling.** "Dwelling" means any building used as a permanent residence or place of domicile.

3. **Federal waters.** "Federal waters" means all other waters not internal and subject to the jurisdiction of the United States.

4. **Internal waters.** "Internal waters" means waters under the exclusive jurisdiction of the State of Maine.

5. **Motorboat.** "Motorboat" means any watercraft, including airmobiles, equipped with propulsion machinery of any type, whether or not the machinery is the principal source of propulsion, is permanently or temporarily attached, or is available for propulsion on the watercraft.

6. **Motorboat carrying passengers for hire.** "Motorboat carrying passengers for hire" means a motorboat used for the purpose of carrying 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.

7. **Operate.** "To 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.

8. **Operation.** "Operation," when it refers to watercraft of any type or description, means the act of operating as defined in subsection 7.

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

10. **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 possession.

11. **Passenger.** "Passenger" includes every person carried on board the watercraft other than:

A. The owner or his representative;

B. The operator;

C. 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

D. 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.

12. **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.

13. **Use.** "Use" means operate, navigate or employ.

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 internal waters and all federal waters within the jurisdiction of this State.

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.

§ 7792. **Commissioner's rule-making authority**

It shall be the intent of any rule required that it shall be in accord with such federal regulation as may be promulgated under the United States Federal Boat Safety Act of 1971 Public Law 92-75, as amended. The commissioner, acting jointly with the Commissioner of Marine Resources, may adopt and amend rules under the procedure provided in the Maine Administrative Procedure Act, Title 5, Part 18, which are not inconsistent with this subchapter, covering the following subject matter:

1. **Administrative procedure.** Rules to further establish administrative procedure under this subchapter;

2. **Safe use and operation of watercraft.** Rules governing the use and operation of watercraft upon the waters of the State to insure safety of persons and property;

3. **Safety equipment.** Rules further governing

safety equipment for watercraft, including the type, quality and quantity of that equipment; and

4. **Horsepower.** Rules governing the horsepower of motors used to propel watercraft on all internal waters of this State. In promulgating these rules, the commissioner shall take into consideration the area of the internal waters, the use to which the internal waters are put, the depth of the water and the amount of water-borne traffic upon the waters and determine whether or not the rule is necessary to insure the safety of persons and property. The adoption of rules under this subsection is governed by the Maine Administrative Procedure Act, Title 5, Part 18, except that such rules 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 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 rule for a particular body of internal water and stating the proposed horsepower limitation.

5. **Restrictions for airmobiles.** Rules restricting the operation of airmobiles in fish or wildlife preserves, conservation areas or other areas where the operation may harm the natural environment.

§ 7792-A. Rules on operation of airmobiles

1. **Rules.** Prior to November 1, 1979, the commissioner shall promulgate rules restricting the operation of airmobiles in areas where their use may be harmful. These rules shall be promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, after public hearings in the areas affected.

2. **Minimum conditions.** These rules shall, as a minimum, condition the use of airmobiles in fish and wildlife preserves, conservation areas, coastal and inland wetlands and great ponds.

3. **Prohibitions.** The commissioner shall prohibit airmobile use wherever it adversely affects fish and wildlife habitat, interferes with the operation of other watercraft, threatens public safety or adversely affects the natural environment.

§ 7793. Commissioner's powers and duties

1. **Register watercraft.** The commissioner shall register watercraft and issue certificates, licenses and permits as provided in this subchapter.

2. **Promote safety.** The commissioner shall promote safety for persons and property in connection with the use and operation of watercraft.

3. **Federal grants.** The commissioner may par-

ticipate in such federal grants in aid as may be forthcoming to this State from the United States Federal Boat Safety Act of 1971, Public Law 92-75, as amended.

4. **Coast Guard report.** The commissioner shall make an annual report to the Coast Guard as required under federal law of the certificates of number issued by him.

5. **Registration list distribution.** The commissioner shall distribute a list of registrations issued as follows.

A. Where the legal residence of the applicant is a municipality within the State, the commissioner shall mail annually such a list to the assessor or assessors of that municipality.

B. Where the legal residence of the applicant is outside of the State and the boat is situated within a municipality in the State, the commissioner shall mail annually such a list to the assessor or assessors of that municipality.

C. In all other cases, the commissioner shall send such a list annually to the Bureau of Taxation.

6. **Information to federal officials or agencies.** The commissioner shall transmit any information compiled or otherwise available to the commissioner pursuant to section 7801, subsection 17, 18 and 19 to an authorized official or agency of the United States, in accordance with any request duly made by that official or agency.

§ 7794. Certificate of number

1. **Motorboats requiring.** The owner of every motorboat, including airmobiles, used on the waters of the State as the state of principal use shall obtain a certificate of number for the motorboat from the commissioner. 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; and

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.

2. **Application.** The owner shall make application to the commissioner on forms approved by the commissioner. The application shall show the legal residence of the applicant and the place where the boat is situated.

3. **Issuance.**

A. Upon receipt of the approved application with the proper fee, the commissioner shall enter the application upon the office records and issue the applicant a pocket-sized certificate of number stating:

- (1) The number assigned to the motorboat;
- (2) Its description;
- (3) The name and address of the owner; and
- (4) Such other information as the commissioner deems appropriate.

B. The holder of any certificate of number issued under this chapter may obtain a duplicate certificate of validation stickers from the commissioner upon application and payment of the fee set forth in subsection 4.

4. **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 \$9
- B. Duplicate certificate of number \$1
- C. Duplicate validation sticker (each one) 25¢
- D. Certificate of number issued with transfer of ownership authorized in subsection 7 \$2

5. **Restrictions.**

A. 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.

B. The identification number and validation stickers assigned by the commissioner and authorized by this subchapter shall be displayed on each side of the bow of the boat in the following manner:

- (1) 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;

(2) 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 the 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;

(3) 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;

(4) No number other than the assigned boat number shall be displayed on the bow of such a motorboat;

(5) 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□; and

(6) Nothing in this section shall prohibit the numbering of any watercraft upon the request of the owner. The owner shall comply with all applicable requirements of this subchapter if he chooses to number his watercraft.

C. The owner of a certificate of number terminated or invalidated under subsection 11 shall return it within 10 days of the termination or invalidation.

D. The owner of any watercraft which has been issued a certificate of number shall notify the commissioner in writing within 10 days of:

(1) 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;

(2) The permanent removal of the watercraft from the State;

(3) The destruction or abandonment of the watercraft;

(4) The theft or recovery of the watercraft; or

(5) Any change in his address.

E. Upon sale or transfer of ownership of any registered watercraft, the owner or dealer shall remove and destroy any validation stickers on the craft. The validation sticker is nontransferable.

F. 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:

- (1) The watercraft is documented;
- (2) The watercraft is no longer used principally in the State of Maine;
- (3) The application for certificate of number contains false or fraudulent statements or information; or
- (4) The fees for issuance of a certificate of number are not paid.

6. **Numbers permanent.** A number once awarded under this subchapter to a motorboat remains with that boat until the boat is destroyed, abandoned, permanently removed or no longer principally used in this State, except that numbers that have been inactive for at least 7 years may be reissued by the division.

7. **Transfer of ownership.** Whoever transfers ownership 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 \$2 as set forth in subsection 4, paragraph D, provided the applicant returns to the commissioner 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.

8. **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 7.

8-A. **Transition.** Notwithstanding subsection 8, for 3 calendar years beginning January 1, 1981, the commissioner may issue a portion of renewal certificates that shall continue in force until December 31st of:

A. The calendar year of issuance, in which case the fee is \$3; or

B. The first complete calendar year after the year of issuance, in which case the fee is \$6.

The commissioner's authority under this subsection is designed to achieve a more evenly distributed number of watercraft registration in each year.

This subsection is repealed on December 31, 1983.

9. **Expiration.** Every certificate of number awarded under this subchapter continues in force

until December 31st of the 2nd complete calendar year after the year of issuance.

10. **Renewal.** 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.

11. **Termination of certificate of number.**

A. Under any of the following conditions, the certificate of number issued by the commissioner is terminated or invalidated:

- (1) Transfer of the watercraft;
- (2) Documentation of the watercraft;
- (3) Change in state of principal use of the watercraft;
- (4) Permanent removal of the watercraft from the State;
- (5) Abandonment or destruction of the watercraft;
- (6) False or fraudulent information on the application for the certificate of number;
- (7) Failure to pay the required fee for the certificate of number; or
- (8) Involuntary loss of interest in the watercraft due to legal process.

B. 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.

§ 7795. **Dealer's certificate of number**

1. **Application.** 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 commissioner for a dealer's certificate of number.

2. **Issuance.** If the applicant satisfies the commissioner that he is qualified for a dealer's certificate of number, the commissioner shall issue him a dealer's certificate of number containing the place of business of the applicant and a general distinguishing number in such form as determined by the commissioner.

3. **Fee.** The fee for a dealer's certificate of number is \$15.

4. **Restrictions.** 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 removable plates, on which a dealer's number and validation stickers may be painted or attached,

to the bow of any boat covered by his dealer's certificate of number.

§ 7796. 10-day boat number and registration

1. **Issuance.** The commissioner may issue temporary 10-day boat numbers and registrations to bona fide dealers who request them under such conditions as he deems necessary.

2. **Fee.** The commissioner shall receive 50¢ for each 10-day temporary plate.

3. **Use of 10-day plates.**

A. 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 the 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 7794, provided the owner shall make application to the commissioner on the date of sale for a certificate of boat number.

B. The application and fee for certificate of boat number, together with a copy of the temporary registration issued by the dealer, shall be forwarded by the dealer to the commissioner within 48 hours after the date of sale of the motorboat.

C. 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.

4. **Restrictions.**

A. The temporary 10-day boat number is non-transferable and shall be conspicuously displayed on the bow of the motorboat, notwithstanding any other requirements of display of boat number.

B. The operator of a motorboat shall have the temporary registration aboard at all times while the motorboat is in operation.

C. After expiration of the 10-day period, the owner shall remove and discard the temporary 10-day boat number and display the permanent boat number and validation stickers assigned by the commissioner in accordance with section 7794, subsection 5, paragraph B.

§ 7797. Permit to hold a regatta, race, boat exhibition or water-ski exhibition

1. **Issuance.** The commissioner may issue a permit to any person permitting him to hold a regatta, race, boat exhibition or water-ski exhibition on any of the internal waters of this State.

2. **Application.** The person or persons in charge of the regatta, race, boat exhibition or water-ski exhibition shall request the permit from the commissioner at least 15 days prior to the event. The

request shall be in writing and shall set forth the date, time and location of the event. The person in charge of a proposed motorboat race shall send a letter of intent 60 days prior to the event to municipal officers of the municipality or municipalities in which the waters exist. A copy of the letter of intent shall be forwarded to the commissioner with the request for a permit to hold any motorboat race.

3. Restrictions.

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

B. 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. They 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.

§ 7798. Certificate of number for motorboats carrying passengers for hire

1. **Application.** Before a motorboat may carry passengers for hire, the owner of the motorboat shall apply to and obtain from the commissioner a certificate of number authorizing its use for that purpose. This section applies to all motorboats carrying passengers for hire as defined in section 7791, subsection 6, except those subject to federal inspection requirements which have or are required to have a current valid federal inspection certificate on board.

2. **Issuance.** Before the certificate may be issued, the owner shall satisfy the commissioner that the boat is safe to operate and will be maintained in safe condition.

3. **Restrictions.** The commissioner may cause the motorboats to be examined from time to time.

§ 7799. Operator's license to carry passengers for hire

1. **Application.** Every operator of a motorboat carrying passengers for hire, except those operators who have been issued and have or are required to have in their possession a current valid federal operator's license, shall obtain an operator's license from the commissioner as provided in this section before operating a motorboat carrying passengers for hire.

A. The operator shall make written application for the license on forms provided by the commissioner.

B. The commissioner shall cause operators

applying for a license for the first time to be examined as to their qualifications.

2. **Issuance.** The commissioner shall issue the license to applicants who have satisfactorily passed the examination.

3. **Fee.** The fee for an operator's license to carry passengers for hire is \$1.

4. **Renewal.** The commissioner may grant a renewal of license upon written application and payment of the \$1 fee without examination.

5. **Expiration.** Every license expires on December 31st of the year for which issued.

6. **Suspension and revocation.** The commissioner may initiate proceedings in the Administrative Court to suspend the operator's license of an operator of a motorboat carrying passengers for hire under the following conditions:

A. It is found, upon examination under section 7798, subsection 3, that any motorboat carrying passengers for hire is unsafe; or

B. The commissioner receives satisfactory evidence of the operator's intemperance, incompetency or willful violation of the law.

§ 7800. Disposition of revenues

All revenues collected under this subchapter are disposed of as follows.

1. **Fees collected.** All fees collected for certificates, licenses and permits by the commissioner are paid daily to the Treasurer of State and accrue to the Watercraft Fund, Department of Inland Fisheries and Wildlife.

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 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 subchapter, including fines, fees and other available moneys, less all administrative costs of the Division of Recreational Safety and Registration, shall be disbursed for each fiscal year, when final accounting records are determined for that fiscal year, to the Department of Inland Fisheries and Wildlife and the Department of Marine Resources. The disbursement shall be 2/3 to the Department of Inland Fisheries and Wildlife and 1/3 to the Department of Marine Resources, and shall be used to defray the costs of enforcing this subchapter.

§ 7800-A. Operating airmobile on land of another

1. **No permission given.** This subchapter is in no way to be construed as giving license or permission to cross or go on the property of another.

2. **Stop and identify requirement.** Any person operating an airmobile upon the land of another shall stop and identify himself upon the request of the landowner or his duly authorized representative. Any person in violation shall be held accountable to the owner under existing law.

3. **Restrictions.** If restrictions on operation are posted on the land of another, the person operating the airmobile shall observe those restrictions.

§ 7801. Prohibited acts

1. **Operating a motorboat without a certificate of number.** A person is guilty, except as provided in subsection 27, paragraph A, of operating a motorboat without a certificate of number if he operates or gives permission to operate a motorboat without a current certificate of number or a current temporary certificate of number. Only the certificate of number or temporary certificate of number as issued by the commissioner is valid. A facsimile or copy of the certificate is not valid.

2. **Operating a motorboat without identification number or validation stickers.** A person is guilty of operating a motorboat without an identification number or validation sticker if he operates or gives permission to operate a motorboat without the identification number and validation stickers, assigned by the commissioner and authorized by this subchapter, displayed on each side of the bow in accordance with section 7794, subsection 5, paragraph B or section 7795, subsection 4.

3. **Violation of license, permit or certificate restriction.** A person is guilty of a violation of a restriction of a license, permit or certificate if he violates any restriction of any license, permit or certificate in this subchapter.

4. **Holding a regatta, race, boat exhibition or water-ski exhibition without a permit.** A person is guilty of holding a regatta, race, boat exhibition or water-ski exhibition without a permit if he holds such an event without a permit from the commissioner.

5. **Unlawfully crossing the area of an authorized regatta, race, boat exhibition or water-ski exhibition.** An operator of a watercraft is guilty of unlawfully crossing the area of an authorized regatta, race, boat exhibition or water-ski exhibition if he crosses or traverses the course or area of such an event when the warning flag required under section 7797, subsection 3, paragraph B is displayed, except in an emergency.

6. **Operating a motorboat carrying passengers for hire without a certificate of number.** A person is guilty of operating a motorboat carrying passengers for hire without a certificate of number if he operates such a motorboat without a certificate of number as

required in section 7798.

7. **Operating a motorboat carrying passengers for hire without an operator's license to carry passengers for hire.** A person is guilty of operating a motorboat carrying passengers for hire without an operator's license to carry passengers for hire if he operates such a motorboat and does not have such an operator's license as required in section 7799.

8. **Reckless operation of a watercraft.** A person is guilty of reckless operation of a watercraft if he operates any watercraft, water ski, surfboard or similar device in such a way as to recklessly create a substantial risk of serious bodily injury to another person.

9. **Operating watercraft under the influence.** A person is guilty of operating a watercraft under the influence if he operates any watercraft, water ski, surfboard or similar device while under the influence of intoxicating liquor or drugs. 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.

10. **Operating a watercraft to endanger.** A person is guilty of operating a watercraft to endanger if he operates any watercraft, water ski, surfboard or similar device so as to endanger any person or property.

11. **Operating a watercraft at greater than reasonable and prudent speed.** A person is guilty of operating a watercraft at greater than reasonable and prudent speed if he:

A. Operates any watercraft except at a reasonable and prudent speed for existing conditions; or

B. Fails to regulate the speed of a watercraft so as to avoid danger, injury or unnecessary inconvenience in any manner to other watercraft and their occupants, 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 the watercraft through its speed, or otherwise.

12. **Operating a motorboat in bathing areas.** A person is guilty of operating a motorboat in bathing areas if he operates a motorboat within any bathing area marked or buoyed for bathing. Airmobiles are prohibited from beaches adjacent to these bathing areas.

13. **Operating a motorboat while under age.** A person is guilty of operating a motorboat while under age if he:

A. Is under 12 years of age;

B. Operates any motorboat propelled by machinery of more than 10 horsepower; and

C. Is not under the immediate supervision of a

person located in the motorboat who is at least 16 years of age.

14. **Operating a watercraft to molest wild animals or wild birds.** A person is guilty of operating a watercraft to molest wild animals or wild birds if he operates any watercraft so as to pursue, molest, harass, drive or herd any wild animal or wild bird, except as may be permitted during the open season on that animal.

15. **Operating a motorboat without a muffler.** A person is guilty of operating a motorboat without a muffler if he operates a motorboat that is not equipped at all times with an effective and suitable muffling device on its engine or engines to effectively deaden or muffle the noise of the exhaust, except that motorboats which are operating in a regatta or race approved by the commissioner under section 7797 may use cutouts for these motorboats while on trial runs or competing in speed events, for a period not to exceed 48 hours immediately preceding or following such an authorized event.

16. **Operating a watercraft without proper safety equipment.** A person is guilty, except as provided in subsection 27, paragraph B, of operating a watercraft without proper safety equipment if he operates a watercraft and he:

A. Fails to 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 United States Federal Boat Safety Act of 1971, Public Law 92-75, as amended; or

B. Fails to comply with requirements pertaining to additional equipment not in conflict with federal navigation laws which the commissioners may prescribe if there is a demonstrated need.

17. **Failure to render aid after a watercraft accident.** A person is guilty of failure to render aid after a watercraft accident if he:

A. Operates a watercraft which is involved in a collision, accident or other casualty; and

B. Fails 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.

18. **Failure to provide personal identification after a watercraft accident.** A person is guilty of failure to provide personal identification after a watercraft accident if he:

A. Operates a watercraft which is involved in a collision, accident or other casualty; and

B. Fails to give his name and address and identification of his watercraft to any person injured and to the owner of any property damaged.

19. **Failure to report a watercraft accident.** A person is guilty of failure to report a watercraft accident if he is the operator or owner of any watercraft involved in any collision, accident or other casualty while using a watercraft which results in the death of a person, a person's losing consciousness or receiving medical treatment, a person's becoming disabled for more than 24 hours, a person's disappearance from a watercraft under circumstances indicating death or injury, or damage to the watercraft or other property of more than \$100 and fails to file accident reports as follows:

- A. A written report on forms provided by the commissioner containing such information as required within 24 hours of the occurrence if a person dies, disappears, loses consciousness, receives medical treatment, or is disabled for more than 24 hours, or within 5 days of the occurrence if the accident involved property damage only; and
- B. A report of the occurrence to the nearest available law enforcement officer to the place where the accident occurred.

20. **Illegally operating a motorboat in a prohibited area.** A person is guilty of illegally operating a motorboat in a prohibited area if he does any of the following:

- A. Operates a motorboat 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;
- B. Operates a motorboat on Quimby Pond in the Town of Rangeley, Franklin County;
- C. Operates a motorboat 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;
- D. Operates a motorboat on Upper and Lower Ox Brook Lakes in the Towns of T.6ND, T.6RI and Talmadge in the County of Washington;
- E. Operates a motorboat on Little Nesowadnehunk (Sournahunk) Lake, in T.5, R.11, Piscataquis County;
- F. Operates 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;
- G. Operates 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;

H. Operates a motorboat having more than 6 horsepower on Long Pond, Town of Denmark, Oxford County;

I. Operates a motorboat on Lily Pond, Edgecomb, Lincoln County;

J. Operates a motorboat powered by an internal combustion engine on Nokomis Pond, situated in the Towns of Newport and Palmyra, Penobscot County; or

K. Operates a motorboat in Merrymeeting Bay at a speed in excess of 10 miles per hour, except within the confines of the buoyed channels.

21. **Operating an airmobile upon a public way.** A person is guilty, except as provided in subsection 27, paragraph C, of operating an airmobile upon a public way if he operates an airmobile upon a public way.

22. **Failing to stop an airmobile before entering a public way.** A person is guilty of failing to stop an airmobile before entering a public way if he fails to bring an airmobile to a complete stop before entering a public way.

23. **Failing to yield right-of-way while operating an airmobile.** A person is guilty of failing to yield the right-of-way while operating an airmobile if he fails to yield the right-of-way to all vehicular traffic while operating an airmobile on a public way.

24. **Operating an airmobile which exceeds noise limit.** A person is guilty, except as provided in subsection 27, paragraph E, of operating an airmobile which exceeds the noise limit if he operates an airmobile which exceeds 78 decibels of sound pressure at 50 feet on the "A" scale, as measured by the Society of Automotive Engineers standards J-192.

25. **Operating an airmobile on railroad tracks.** A person is guilty of operating an airmobile on railroad tracks if he operates an airmobile along or adjacent and parallel to the tracks of any railroad within the limits of the railroad right-of-way without written permission from the railroad.

26. **Operating an airmobile too close to certain buildings.** A person is guilty, except as provided in subsection 27, paragraph D, of operating too close to a dwelling, hospital, nursing home, convalescent home or church if he operates an airmobile within 200 feet of any of those buildings.

27. **Exceptions.**

A. Notwithstanding subsection 1, the certificate of number for a 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 the 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 which is signed by the owner or his representative.

B. Notwithstanding subsection 16:

(1) Canoes, owned by a boys' or girls' summer camp located upon internal waters in Maine and duly licensed by the Department of Human Services and utilized by campers under the direction and supervision of a camp counselor at least 18 years of age or older during training and instruction periods on waters adjacent to the main camp within a distance of 500 feet from the shoreline of that camp, shall be exempt from that subsection; and

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

C. Notwithstanding the provisions of subsection 21, properly registered airmobiles may cross public ways, including bridges, overpasses and underpasses. For crossing public ways, sidewalks and culverts, persons shall travel only the distance necessary, but in no case exceeding 300 yards, for the sole purpose of crossing as directly as possible. For crossing bridges, overpasses and underpasses, persons shall travel only the distance necessary, but in no case exceeding 500 yards, for the sole purpose of crossing as directly as possible. All crossings shall be subject to the following conditions:

(1) Persons may cross public ways only if the crossing can be made safely and does not interfere with vehicular traffic approaching from either direction;

(2) The operator of the airmobile shall dismount and lead the machine along the extreme right of the traveled way; and

(3) The operator of the airmobile shall yield the right-of-way to all vehicular traffic.

D. Notwithstanding subsection 26, that subsection does not apply in the following situations:

(1) When operating on public ways in accordance with paragraph C and subsections 21, 22, 23 and 24;

(2) When operating on the frozen surface of any body of water; and

(3) When operating on land which the operator owns or is permitted to use.

E. Notwithstanding subsection 24, airmobiles which are operating in a race approved by the com-

missioner under section 7797 may exceed the noise level.

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

Chapter 13 Watercraft Regulations

EFFECTIVE DATE:

January 1, 1974 except as otherwise indicated

AUTHORITY:

12 MRSA § 7792

13.01 General Regulatory Definitions

The definitions contained in Title 12, Maine Revised Statutes annotated, Section 7791, although not set forth herein, shall be a part of all regulations and apply to those words or phrases when used therein.

13.02 Contents of Applications and Certificates

A. Application for boat registration. Each application to secure a Maine Certificate of Boat number as the state of principal use must contain the following information on forms provided by the Division:

- (1) Make of boat
- (2) Year built
- (3) Length
- (4) Hull material
- (5) Type of boat (open, cabin, sail, canoe, houseboat or other)
- (6) Type of propulsion
- (7) Horsepower of engine
- (8) Fuel
- (9) Type of application
- (10) Hull serial number, if any
- (11) Use of boat
- (12) Name and address of owner, including zip code
- (13) Owner's birth date
- (14) Owner's citizenship
- (15) Town of legal residence—Maine residents
- (16) Place boat is situated—nonresidents of Maine
- (17) Present number on boat which was previously issued
- (18) Waters chiefly used on
- (19) Name and address from whom purchased
- (20) Signature of owner

An application made by a dealer/manufacturer need only provide information for items numbered 11, 12, and 20.

B. Temporary certificate of boat number. Each temporary certificate of boat number issued by the

Division, pending issuance of a permanent certificate of number, shall be valid for a period of 45 days from date validated and contain the following information:

- (1) Permanently assigned boat number
- (2) Make of boat
- (3) Year built
- (4) Length
- (5) Propulsion
- (6) Horsepower
- (7) Fuel
- (8) Type of application
- (9) Hull serial number, if any
- (10) Use of boat
- (11) Name and address of owner
- (12) Owner's birth date
- (13) Owner's citizenship

C. Certificate of boat number. Each Maine certificate of boat number issued by the Division will contain the following information:

- (1) Number issued to watercraft and/or dealer/manufacture
- (2) Expiration date of certificate
- (3) Make of boat
- (4) Owner's birth date
- (5) Hull serial number, if any
- (6) Year built
- (7) Length
- (8) Name, address of owner
- (9) Type of boat
- (10) Hull material
- (11) Fuel
- (12) Propulsion
- (13) Use of boat
- (14) Validation showing official issuance by Division

A certificate of number issued to a dealer/manufacture will show only items 1, 2, 8, 13, 14, and for item 3, the word "Dealer."

13.03 Accident or Casualty Reports

A. Information required. Each report required by Title 12, Section 7801, shall be signed and dated by the person who prepared it and must contain, if available, the following information about the accident or casualty:

- (1) The numbers and names of each watercraft involved
- (2) The name and address of each owner of each watercraft involved
- (3) The name of the nearest city or town, the county, the State, and the body of water
- (4) The time and date the casualty or accident occurred

- (5) The location on the water
- (6) The visibility, weather, and water conditions
- (7) The estimated air and water temperature
- (8) The name, address, age, or date of birth, telephone number, operating experience, and boating safety training of the operator making the report
- (9) The name and address of each operator of each watercraft involved
- (10) The number of persons on board or towed on skis by each watercraft
- (11) The name, address, and date of birth of each person injured or killed
- (12) The cause of each death
- (13) The weather forecasts available to, and weather reports used by, the operator before and during the use of the watercraft
- (14) The name and address of each owner of property involved
- (15) The availability and use of personal flotation devices
- (16) The type and amount of each fire extinguisher used
- (17) The nature and extent of each injury
- (18) A description of all property damage and watercraft damage with an estimate of the cost of all repairs
- (19) A description of each equipment failure that caused or contributed to the cause of the casualty
- (20) A description of the watercraft casualty or accident
- (21) The type of watercraft operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, or explosion or other)
- (22) The opinion of the person making the report as to the cause of the casualty
- (23) The make, model, type (open, cabin, house or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's watercraft
- (24) The name, address, and telephone number of each witness
- (25) The manufacturer's identification num-

ber, if any, of the reporting operator's watercraft.

- (26) The name, address, and telephone number of the person submitting the report

13.04 Time of Sunrise and Sunset

In order to determine the time of sunrise and sunset as referred to in Title 12, Chapter 715, Revised Statutes and any regulations promulgated thereunder the following definition shall apply:

Sunrise and sunset is that time given for sunrise and sunset as computed and established for Augusta, Maine, by the Nautical Almanac Office of the United States Naval Observatory for the particular day involved converted to the legal standard of time in force in this State on that day.

13.05 Safety Equipment On Motorboats and Other Watercraft

The operator of any watercraft on the waters of this State shall be responsible to see that said craft are equipped as specified in this regulation. Nothing in this regulation shall be construed to permit the operation of any watercraft on the federal waters in this state unless they conform to all applicable federal laws and regulations pertaining thereto.

A. Definitions.

- (1) **Motorboat.** For the purposes of this regulation motorboats are defined as those watercraft which are propelled by machinery and not more than 65 feet in length.

- (2) **Classes of motorboats.** Class A, any motorboat less than 16 feet in length. Class 1, any motorboat 16 feet or over and less than 26 feet in length. Class 2, any motorboat 26 feet or over and less than 40 feet in length. Class 3, any motorboat 40 feet or over and not more than 65 feet in length.

- (3) **Length.** Length means the distance measured from end to end over the deck, excluding sheer. It is the straight line measurement of the overall length, stated in feet and inches, from the foremost part of the vessel to the aftermost part measured parallel to the centerline, excluding outboard motors, brackets, bowsprits, rudders and similar attachments.

- (4) **Aft.** Aft means the rear half of the watercraft, vessel or boat as contrasted to the bow which is the forward half of the boat.

- (5) **Point.** Point means eleven and one-quarter degrees of arc.
- (6) **Visual distress signals.** A device approved by the U. S. Coast Guard.
- (7) **Coastal waters.** Includes the Great Lakes and the territorial seas of the United States, and the bays and sounds which empty into these waters. Rivers, inside of a line drawn tangent to their headlands, are not included in "Coastal Waters" unless the distance across the river is over 2 miles. All portions of a river from the mouth to the point at which the river first narrows to 2 miles are included in "Coastal Waters."

B. Navigation lights and shapes. Every watercraft in all weathers operating on inland waters from sunset to sunrise shall carry and exhibit the following lights when underway and during such time no other lights which may be mistaken for those prescribed shall be exhibited. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two (2) miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one (1) mile. The word "Visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(1) Motorboats of Classes A and 1:

- a. A bright white light aft to show all around the horizon.
- b. A combined light in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam of their respective sides.

(2) Motorboats of Classes 2 and 3:

- a. A bright white light in the fore part of the vessel as near the stern as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty (20) points of the compass, so fixed as to throw the light ten (10) points on each side of the vessel; namely, from right ahead to two (2) points abaft the beam on either side.
- b. A bright white light aft to show all around the horizon and higher than the white light forward.
- c. On the starboard side a green light so constructed as to show an unbroken light over an arc of the

horizon of ten (10) points of the compass, so fixed as to throw the light from right ahead to two (2) points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten (10) points of the compass, so fixed as to throw the light from right ahead to two (2) points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

- (3) **Watercraft Under Sail:** Each motorboat and any other type of watercraft, when propelled by sail alone, shall carry only the combined light or separate side lights as appropriate to its class, and in addition, one white light at the stern so constructed that it shall show an unbroken light over an area of the horizon of 12 points of the compass so fixed as to show the light 6 points from right aft on each side of the vessel.
- (4) **Watercraft Under Sail and Motor:** When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.
- (5) **Watercraft Manually Propelled:** All other watercraft, not propelled by machinery, such as rowboats, canoes and rafts, and which are only operated by hand power, rowed, paddled or navigated by the current shall have ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to prevent collision.
- (6) **Watercraft At Anchor:** Any motorboat anchored on solely internal waters from sunset to sunrise, while occupied by a person or persons, may display in lieu of the above navigation lights, a single white light showing all around the horizon (32 points).
- (7) **Enforcement Lights:** Only those watercraft used by any law enforcement officer authorized to enforce this regulation or any of the laws of Title 12, Chapter 308, Revised Statutes of 1964 are permitted to use or display a distinctive blue colored, pulsating or revolving light

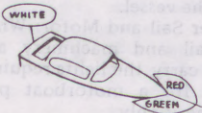
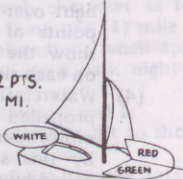

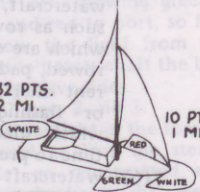


for the purposes of enforcing these laws on the waters of this State in addition to any other navigation lights required.



(8) **Towboats:** Towboats, when towing booms or rafts of wood products on solely internal waters of this state, shall display, in addition to the required lights for said watercraft, a flashing or pulsating amber light on either or both the towboat and the towed raft.

(9) **International Lights:** Any watercraft using International Waters between sunset and sunrise must display lights required under International Regulations for Preventing Collisions at Sea (Colregs 1972). Lights under International Rules may be shown on inland waters.

INLAND

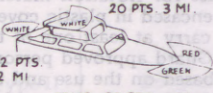
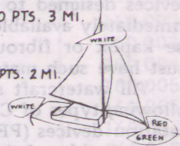
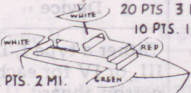
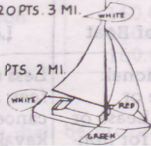

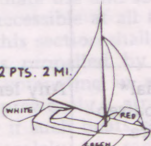
These lights may be shown only on inland waters.

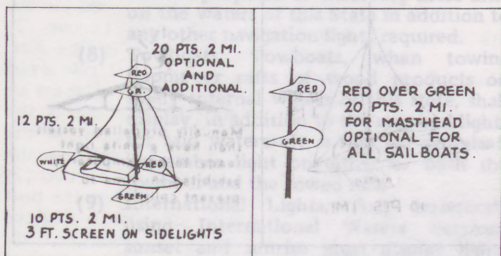
POWER ALONE	SAIL AND POWER
<p>UNDER 26' IN LENGTH</p> <p>32 PTS. 2 MI.</p>  <p>COMB. 20 PTS. 1 MI.</p>	<p>32 PTS. 2 MI.</p>  <p>COMB. 20 PTS. 1 MI.</p>
<p>26' TO 65' IN LENGTH</p> <p>32 PTS. 2 MI.</p>  <p>10 PTS. 1 MI. 20 PTS. 2 MI.</p>	<p>32 PTS. 2 MI.</p>  <p>10 PTS. 1 MI. 20 PTS. 2 MI.</p>
<p>AUXILIARY: SAIL ALONE*</p>  <p>COMB. 20 PTS. 1 MI.</p>	<p>SAILBOATS*</p>  <p>COMB. 20 PTS. 1 MI.</p>

 <p>10 PTS. 1 MI.</p> <p>10 PTS. 1 MI.</p>	 <p>Manually propelled vessels shall have a white light ready to be temporarily exhibited in time to prevent collision</p>
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INTERNATIONAL RULES

Lights under International Rules may be shown on inland waters and are required on the high seas.

POWER ALONE	SAIL AND POWER
<p>LESS THAN 40' IN LENGTH</p> <p>CARRIED 3 FT. HIGHER THAN COLORED LIGHTS</p>  <p>20 PTS. 3 MI.</p> <p>12 PTS. 2 MI.</p> <p>COMB. 20 PTS. 1 MI. OR 10 PTS. SEPARATE SIDELIGHTS</p>	 <p>20 PTS. 3 MI.</p> <p>12 PTS. 2 MI.</p> <p>COMB. 20 PTS. 1 MI. OR 10 PTS. SEPARATE SIDELIGHTS</p>
POWER-40' BUT LESS THAN 65'-SAILING VESSELS OVER 40'	
<p>LOCATED 9 FT. ABOVE GUNNELS</p>  <p>20 PTS. 3 MI.</p> <p>10 PTS. 1 MI.</p> <p>12 PTS. 2 MI.</p> <p>10 PTS. 1 MI. OR 20 PTS. COMB.</p>	 <p>20 PTS. 3 MI.</p> <p>12 PTS. 2 MI.</p> <p>10 PTS. 1 MI.</p> <p>10 PTS. 1 MI. OR 20 PTS. COMB.</p>
AUXILIARY: SAIL ALONE	SAILBOATS
 <p>12 PTS. 2 MI.</p> <p>COMB. 20 PTS. 1 MI.</p>	 <p>12 PTS. 2 MI.</p> <p>10 PTS. 2 MI.</p>



C. Personal flotation devices. All personal flotation devices (PFDs) used aboard watercraft shall be Coast Guard approved, clearly labelled or imprinted as such, placed so as to be readily accessible in the craft (Types I, II, III) maintained in good and serviceable condition and of an appropriate size for whom the person it is intended. Devices designed to be thrown (Type IV) shall be immediately available on said craft. Devices which use kapok or fibrous glass for flotation material must have such material encased in plastic covers.

All watercraft shall carry at least one of the following types of Coast Guard approved personal flotation devices (PFDs) based on the use and the length of said craft for each person aboard:

PERSONAL FLOTATION DEVICES

Use of Boat	Length	Required Type of Personal Flotation Device
Recreational: Pleasure or Rental, Lease or Charter for non- commercial uses	Less than 16 feet; and all canoes and kayaks re- gardless of length	Either a type I, II, III, or IV for each person aboard.
	16 feet or longer	Either a type I, II, III for each person aboard PLUS one Type IV device immediately avail- able in boat
Commercial* Carrying passen- gers for hire	Any length	A Type I device of suitable size for each person aboard

Commercial Fishing and Commercial Barges	0 to 40 feet	Either a Type I, II, or III device suitable size for each person aboard
	40 feet or longer	A Type I device of suitable size for each person aboard
*All Commercial Uses	26 feet or longer	Must carry in addition to above devices a Type IV ring buoy

The table below identifies the Coast Guard approval number for the several types of personal flotation devices (PFDs).

Types of P.F.D.	Name of Device	C.G. Approval No.
Type I	Life preserver	160.002
"	"	160.003
"	"	160.004
"	"	160.005
"	"	160.055
Type II	Bouyant vest	160.047
"	"	160.052
"	"	160.060
Type III	Special Safety Buoyant Device	160.064
Type IV	Ring life buoy	160.009
"	"	160.050
"	Buoyant Cushion	160.048
"	"	160.049
Type V	Work vest	160.053

D. Fire extinguishers.

- (1) Every motorboat shall be provided with such number, size, and type of fire extinguishers approved by the United States Coast Guard, as set forth below, which are capable of promptly and effectually extinguishing burning gasoline. Said extinguishers shall be kept in condition for immediate use and so placed as to be readily accessible at all times. The provisions of this section shall not apply to motorboats propelled by outboard motors while competing in any authorized race previously arranged or announced, or if such boats be designed and intended solely for racing, while engaged in such navigation as is incident-

tal to tuning up of the boats and engines for the race.

a. Minimum Number of B-1 Hand Portable Fire Extinguishers Required:*

Class of Motorboat	No Fixed Fire Extinguishing System in Machinery Spaces	Fixed Fire Extinguishing System in Machinery Spaces
A	1	0
1	1	0
2	2	1
3	3	2

*One B-2 hand portable fire extinguisher may substitute for two B-1 hand portable fire extinguishers. Toxic vaporizing type extinguishers containing carbon tetrachloride or chlorobromethane are not acceptable fire extinguishers.

b. Fire Extinguisher Classification:

Classification Type-Size	Foam (Gallons)	Carbon Dioxide (Pounds)	Dry Chemicals (Pounds)
B-1	1¼	4	2
B-2	2½	15	10

- (2) Motorboats of Classes A and 1 which are propelled by outboard motors but are not carrying passengers for hire need not carry such fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors. The intent of this exemption is illustrated in Figure 1 where fire extinguishers are required if any one or more of the specified conditions exist, and in Figure 2 where specified conditions do not, in themselves, require that fire extinguishers be carried.

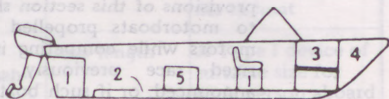


Figure 1

- a. Fire extinguishers are required if any one or more of the following conditions exist (numbers identifying conditions are the same as those placed in Figure 1):
 - i. Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.
 - ii. Double bottoms not sealed to the hull or which are not completely filled with flotation material.
 - iii. Closed living spaces.
 - iv. Closed stowage compartments in which combustible or flammable materials are stowed.
 - v. Permanently installed fuel tanks.

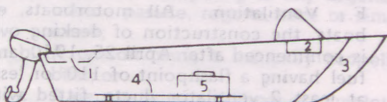


Figure 2

- b. The following conditions do not, in themselves, require that fire extinguishers be carried (number identifying conditions are the same as those placed in Figure 2):
 - i. Bait wells.
 - ii. Glove compartments.
 - iii. Buoyant flotation material.
 - iv. Open slatted flooring.
 - v. Ice chests.

E. Sound devices. Every motorboat shall be provided with an efficient whistle and/or other sound producing device as set forth in the table below. Motorboats propelled by outboard motors while competing in authorized races or use as is incidental to tuning up of such boats for a race need not comply with these requirements. Except on emergency or enforcement motorboats or to give fog signals, no sirens shall be used.

Class of Motorboat	Sound Device Classification
	Type of Device
A	None.

1	Mouth, hand or power operated horn, whistle or other mechanical sound producing device, capable of producing a blast of 2 seconds or more duration, and audible for at least one-half mile.
2	Hand or power operated horn or whistle capable of producing a blast of 2 seconds or more duration, and audible for at least one mile; and in addition an efficient bell to produce a clear note.
3	Power operated horn or whistle, capable of producing a blast of 2 seconds or more duration, and audible for a distance of one mile, and in addition an efficient bell to produce a clear note.

F. Ventilation. All motorboats, except open boats, the construction of decking over of which is commenced after April 25, 1940, and which use fuel having a flashpoint of 110° or less, shall have at least 2 ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

As used in this section, the term "open boats" means those motorboats with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the vessel.

G. Back fire flame control. All gasoline engines installed in a motorboat, except outboard motors, shall be equipped with a device or other acceptable means of attachment as approved by the U.S. Coast Guard to efficiently and safely arrest engine backfire.

H. Visual distress signals

- (1) No person may use a boat 16 feet or more in length or any boat carrying six or less passengers for hire on coastal waters unless U. S. Coast Guard approved visual distress signals are on board. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and

night use must be carried.

- (2) Between sunset and sunrise, no person may use a boat less than 16 feet in length on coastal waters unless U. S. Coast Guard approved visual distress signals suitable for night use are on board.
- (3) No person may use a boat unless the required U. S. Coast Guard approved visual distress signals are readily available and in good serviceable condition.
- (4) **Exceptions.** The following persons are exempt from carrying visual distress devices suitable for day use, however they must carry on board U. S. Coast Guard approved visual distress signals suitable for night use when operating between sunset and sunrise.
 - a. A person competing in any organized marine parade, regatta, race or similar event;
 - b. A person using a manually propelled boat; or
 - c. A person using a sailboat of completely open construction, not equipped with propulsion machinery, under 26' in length.
- (5) Any of the following visual distress signals when carried in the number required can meet the Federal requirements.

Number Marked On Device	Device Description	Accepted for Use	Required to be Carried
160.021	Hand-held red flare distress signals (These signals must have a date of manufacture of October 1, 1980 or later to be acceptable).	Day & Night	3
160.022	Floating orange smoke distress signals. (5 min.)	Day only	3
160.024	Pistol-projected parachute red flare distress signal (37mm) (these signals require use in combination with a suitable approved launching device).	Day & Night	3
160.036	Self contained rocket propelled parachute red flare distress signals.	Day & Night	3

160.037	Hand-held Orange smoke distress signals.	Day only	3
160.057	Floating orange smoke distress signals. (15 min.)	Day only	3
160.066	Red aerial pyrotechnic flare distress signal for boats. (These devices may be either meteor or parachute type and may need an approved, suitable launching device.)	Day & Night	3
160.072	Distress signal for boats, orange flag.	Day only	1
161.013	Electric distress light for boats.	Night only	1

13.06 Waterskiing

A. No person shall operate a watercraft on the internal waters of this State for the purpose of towing a person or persons on water skis, surfboards, aquaplanes or similar devices in a water safety zone as defined in Section 7791, Title 12, nor shall any person manipulate any watercraft, tow rope or other device by which the direction or location of water skis, surfboards, aquaplanes or similar devices may be affected or controlled in such a way so as to cause said devices, or any person thereon to approach within said water safety zone.

B. Nothing herein shall preclude the necessary launching, or leaving the shoreline, mooring or landing of said boats and persons engaged in waterskiing, surfboarding, or using such similar devices provided they enter or leave the shoreline in a reasonably direct manner and so as not to endanger any persons or property and provided they do not enter or leave directly into or from another adjoining water safety zone. The Division may, upon written application from the majority of the municipal officers of a municipality wherein said waters are located, waive these provisions along undeveloped shorelines, if after inspection of the site by the Division, it is determined that such a waiver would provide a greater safety factor than would be achieved by compliance with these provisions.

C. No person shall operate any watercraft on any waters of this State towing a person or persons on water skis, surfboard or other similar devices unless

there is in such watercraft a person at least 12 years of age, in addition to the operator, who is in a position to continually observe the person or persons being towed. This part shall not apply to those devices actually operated by the person being towed and so constructed as to be incapable of carrying the operator in or on the devices.

D. No person shall operate any watercraft for the purpose of towing a person or persons on water skis, surfboards, or similar devices nor shall any person water ski, surfboard, or use similar devices on any waters of this State between the hours of $\frac{1}{2}$ hour after sunset until $\frac{1}{2}$ hour before sunrise.

E. No person shall operate any watercraft on any waters of this State for towing a person or persons on water skis, a surfboard or similar device, nor shall any person ride on water skis, surfboards, or similar devices unless the person being towed has on his person a life jacket, life belt, or similar life saving device, except that performers engaged in exhibitions or tournaments authorized by the Division of Watercraft Registration and Safety do not need to comply with this requirement.

13.07 Operation Rules Between Watercraft On Internal Waters

A. In order to prevent the collision of watercraft the following rules apply to the operation of all watercraft in relation to each other on the internal waters of this State.

- (1) When watercraft are approaching each other head on, or nearly so, each watercraft shall direct their courses to the right and pass on the port side of each other and at a distance and speed so that the wake of each will not endanger the other.
- (2) When a watercraft desires to pass another watercraft on either side in the same direction, the overtaking watercraft shall keep clear of the overtaken watercraft and shall not pass until it is safe to do so, and then at such speed and distance so as not to endanger the overtaken watercraft. The overtaken watercraft has the right of way until the overtaking watercraft has safely passed.
- (3) When watercraft approach each other at right angles or obliquely, the watercraft approaching on the right (starboard) side has the right of way and the other watercraft which has such watercraft on its right side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other watercraft, or stop

and reverse if necessary to avoid collision.

- (4) Watercraft under sail alone or being propelled by oars or paddles have the right of way over watercraft propelled by machinery, except when overtaking as described in No. 2.
- (5) In narrow channels, streams, thoroughfares, every watercraft shall keep to the right of the middle of the channel in the direction which it is traveling when it is safe and practicable to do so.
- (6) It shall be the duty of every operator to abide by these rules. However, where immediate danger exists the operator shall, if necessary, depart from these rules to the extent necessary to avoid collision.

13.08 Motor Size Restrictions On Certain Internal Waters

A. For the purpose of determining horsepower of machinery used to propel watercraft for compliance with this regulation the following definition shall apply:

- (1) "Horsepower" means the manufacturer's rated horsepower of the machinery and shall include the aggregate of all such propellant machinery on a watercraft.

B. No person, except officers empowered to enforce this regulation and in the line of duty or representatives of a governmental agency while conducting authorized studies on these waters shall operate motorboats propelled by machinery in excess of the following horsepower limitations.

- (1) No motorboats allowed:

- a. Cushman Pond, Lovell, Oxford County, Maine
- b. Horseshoe Pond, Denmark, Oxford County, Maine
- c. Boston Pond, Denmark, Oxford County, Maine
- d. Bradley Pond, Lovell, Oxford County, Maine
- e. Trout Pond, T.3, R.5, Piscataquis County, Maine
- f. Wylie Pond, Boothbay, Lincoln County, Maine
- g. Little Kennebago Lake, T.3, R.4, Franklin County, Maine
- h. Upper Dam Pool, T.4, R.1, Oxford County, Maine (from gates of dam, downstream or westerly 150 yards)
- i. Durgin Pond, T.2, R.6, BKP-WKR, Somerset County, Maine. Effective: January 1, 1975

- j. Little Berry Pond, T.2, R.6, BKP-WKR, Somerset County, Maine Effective: January 1, 1975
- k. Lone Jack Pond, T.2, R.6, BKP-WKR, Somerset County, Maine Effective: January 1, 1975
- l. Round Pond, T.1, R.6, BKP-WKR, Somerset County, Maine. Effective: January 1, 1975
- m. Fry Pan Pond, T.2, R.5, BKP-EKR, Somerset County, Maine. Effective January 1, 1975
- n. Blood Pond, T.2, R.13, WELS, Piscataquis County, Maine. Effective January 1, 1975
- o. Loon Lake, Rangeley and Dallas Townships, Franklin County, Maine. Effective: April 15, 1975
- p. Martin and/or Long Pond, The Forks plantation, Somerset County, Maine. Effective: May 21, 1975
- q. Big Brook from Burt Garrity Road in T.13, R.10, WELS to and including Big Brook Lake in T.14, R.10, WELS, Aroostook County, Maine. Effective: July 12, 1975
- r. Simpson Pond, Roque Bluffs, Washington County, Maine. Effective: July 1, 1977.
- s. Southern most part of Thompson Lake separated from the main body by a causeway known as The Heath, Casco, Cumberland County, Maine. Effective: September 15, 1977.
- t. Haley Pond, Rangeley Twp. and Dallas Plt. in Franklin County, Maine. Effective: October 15, 1977. *Repealed December 1, 1978*
- u. Little Concord Pond, Woodstock Twp., Oxford County, Maine. Effective: April 12, 1978.
- v. Clay Pond, Fryeburg, Oxford County, Maine. Effective: August 16, 1978.
- w. Watson Pond Twp., Kennebec County, Maine. Effective: November 1, 1978.
- x. Walton's Mill Pond, West Farmington, Franklin County, Maine. Effective: October 1, 1979.
- y. Sand Pond, Limington Twp., York County, Maine. Effective: January 1, 1981.

(2) Motorboats with more than 6 horsepower prohibited:

- a. Perley's Pond, Denmark, Oxford County, Maine.
 - b. Little Pond, Denmark, Oxford County, Maine.
 - c. Ell and/or L Pond, Sanford and Wells, York County, Maine.
 - d. Black Lake, Fort Kent, Aroostook County, Maine. Effective: January 1, 1975.
 - e. Farrington Pond, Lovell, Oxford County, Maine. Effective: January 1, 1975.
 - f. Heald Pond, Lovell, Oxford County, Maine. Effective: January 1, 1975.
 - g. Horseshore Pond, Stoneham and Lovell, Oxford County, Maine. Effective: May 21, 1975.
 - h. Haley Pond, Rangeley Twp. and Dallas Plt., Franklin County, Maine. Effective: December 1, 1978.
- (3) Motorboats with more than 10 horsepower prohibited:
- a. Lower Range Pond, Poland, Androscoggin County, Maine.
 - b. Sand Pond, Sanford, York County, Maine.
 - c. East Carry Pond, T.2, R.3, Somerset County, Maine. Effective: May 13, 1974.
 - d. West Harbor Pond, Boothbay Harbor, Lincoln County, Maine. Effective: May 13, 1974.
 - e. Five Kezar Ponds: (Mud, Little Mud, Back, Midde and Jewett Ponds) located singly or jointly in Waterford, Stoneham and Lovell, Oxford County, Maine. Effective: May 15, 1974.
 - f. Timoney Lake, Oakfield and Smyrna, Aroostook County, Maine. Effective: November 1, 1978.
 - g. McKenney Pond, Holeb Township, Somerset County, Maine. Effective: January 1, 1980.
 - h. Big Fish Pond, Holeb Township, Somerset County, Maine. Effective: January 1, 1980.
 - i. Barrett Pond, Holeb Township, Somerset County, Maine. Effective: January 1, 1980.
 - j. Turner Pond, Forsythe Township, Somerset County, Maine. Effective: January 1, 1980.
 - k. Little Turner Pond, Forsythe Township, Somerset County, Maine.

Effective: January 1, 1980.

1. Long Pond, Forsythe Township, Somerset County, Maine. Effective: January 1, 1980.

m. Arnold Brook Recreation Watershed Lake in Presque Isle, Aroostook County, Maine. Effective: January 1, 1981.

(4) Motorboats with more than 10 horsepower prohibited from June 1 to September 15.

a. Little Black River tributary to the St. John River in Aroostook County, Maine. Effective: June 1, 1977.

COMMERCIAL WHITEWATER OUTFITTERS

§ 7361. Legislative findings

The Legislature finds that:

1. **Popular sport.** The recreational use of watercraft upon so-called whitewater and other highly turbulent and hazardous sections of rivers and streams in this State is becoming an increasingly popular sport;

2. **Risks.** This sport may pose significant risks, particularly to those members of the public not skilled and knowledgeable in the same;

3. **Organized trips.** Many watercraft trips are organized and conducted by commercial operators who hold themselves out as possessing the skills and equipment necessary to navigate the waters with reasonable safety; and

4. **Safe equipment.** Accordingly, the public interest requires that commercial operators who conduct these trips utilize watercraft and equipment which is reasonably safe for these purposes and have sufficient training and skill in the operation of the watercraft and equipment in order to insure the safety of the public.

§ 7362. Commercial whitewater outfitters' license

1. **Issuance.** The commissioner may issue a license to conduct commercial whitewater rafting, dory or bateau trips on rapidly flowing rivers.

2. **Fee.** The annual fee for a commercial whitewater outfitter's license shall be \$250.

3. **Restrictions.**

A. There shall be at least one licensed guide in each watercraft during whitewater rafting trips.

B. Outfitters shall ensure that each person participating on a whitewater boating or rafting trip wears a securely fastened Type I or Type V personal flotation device.

C. Each watercraft shall be equipped with at least one throwline, not less than 50 feet long.

D. Each watercraft shall be equipped with an adequate first aid kit.

4. **Exceptions.** Nothing in this subchapter applies to the operation of canoes. This subchapter under subchapter VIII, or motorboat operators licensed under chapter 715, subchapter I, unless these persons are in the business of conducting commercial whitewater trips described in subsection 1.

OTHER MAINE LAWS OF INTEREST TO BOATMEN

Allagash Wilderness Waterway:

Canoes only — with motor not to exceed 10 H.P. from Lock Dam north to West Twin Brook.

No restriction on motorboats of any type on Telos, Round Pond (T.6, R.11) and Chamberlain Lake.

Canoes only — no motors — on Allagash Lake and Allagash stream down to Chamberlain Lake.

Baxter State Park:

No motorboats allowed except on Webster and Matagamon Lakes.

Lt. G. Manuel Wildlife Management Area

Hodgdon, Maine

No motorboats allowed.

MAINE LITTER CONTROL ACT

R.S., T. 17, Sec. 2267. Littering from Watercraft Prohibited.

No person shall throw, drop, deposit, discard or otherwise dispose of litter from any watercraft upon private property or along the right-of-way of any public highway, or in any public park, campground or upon any public beach or into any waters within the jurisdiction of this State, or in or upon any other public place, except into a litter receptacle in such a manner that the litter will be prevented from being carried or deposited by the elements. The operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire, as well as the person actually throwing, dropping, discarding or otherwise disposing of the litter will be in violation of this section.

This section shall not be construed to prohibit fishermen, lobstermen and other harvesters of the waters from returning to those waters materials which naturally originated therein.

R.S., T. 17, Sec. 2251. Dumping of Litter.

No person shall put or place, cause to be put or placed, deposit or throw upon any square, lane, alley, public bathing place, public park, or the approaches thereto, or any other place, or into any inland or tidal waters, or on the ice over such waters, or on the banks adjacent thereto any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, old auto-

mobiles or parts thereof, or similar refuse, except in proper containers placed for rubbish or garbage collection or removal or except in a public dump. Any person who violates this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 10 days, or by both. Nothing contained in this section shall be construed as affecting authorized collections of such articles as garbage or refuse, nor shall anything be construed to prevent the proper use of the rights-of-way for highway purposes. If the throwing, placing or depositing was done from a motor vehicle, it shall be prima facie evidence that the throwing, placing or depositing was done by the driver of such motor vehicle.

R.S., T. 38, Sec. 423. Discharge of Waste from Watercraft.

No person, firm, corporation or other legal entity shall discharge, spill or permit to be discharged sewage, garbage, or other waste material from watercraft, as defined in Title 12 Section 7791, and including houseboats, into inland waters of this State, or on the ice thereof, or on the banks thereof in such a manner that the same may fall or be washed into such waters, or in such manner that the drainage therefrom may flow into such waters.

Any watercraft, as defined in Title 12, Section 7791, including houseboats, operated upon the inland waters of this State and having a permanently installed sanitary waste disposal system shall have securely affixed to the interior discharge opening of said sanitary waste disposal system a holding tank or suitable container for holding sanitary waste material so as to prevent its discharge or drainage into the inland waters of the State.

Whoever violates any provision of this section or any regulation adopted under authority of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

R.S., T. 17, Sec. 2493-A. Injuring or Tampering with Watercraft.

Whoever shall willfully break, injure, tamper with or remove any part or parts of any watercraft, or any equipment or property aboard any watercraft, against the will or without the consent of the owner of such watercraft shall be punished by a fine of not less than \$100 nor more than \$5,000, and by imprisonment for not more than 11 months for the first offense and for not more than 5 years for subsequent offenses, or by both.

R.S., T. 17, Sec. 2497. Mooring Watercraft to Buoys.

Whoever moors a vessel, boat, scow or raft to any buoy or beacon, placed by the United States or this State in any of the navigable waters of this State, or in any manner makes the same fast thereto, forfeits \$50; and whoever willfully destroys any such buoys or beacon shall forfeit \$100 and be imprisoned for 3 months. Said forfeitures may be recovered by complaint or civil action, $\frac{1}{2}$ to the plaintiff or informer and $\frac{1}{2}$ to the county in which the trial is had.

R.S., T. 17, Sec. 2498, 2499. Taking, Injuring or Cutting Loose Boats.

Whoever willfully or maliciously, without consent of the owner, takes or uses any boat, cuts away, lets loose, injures or destroys any boom, raft or logs or other lumber, or any vessel, gondola, scow or other boat, fastened to any place, of which he is not the owner or legal possessor, shall be punished by a fine of not more than \$500 and by imprisonment for less than one year; and shall be liable to the person injured in a civil action for double the damages by him sustained.

R.S., T. 36, Sec. 2903-A and T. 38, Subchapter 8. Marine Gas Tax and Public Facilities for Boats.

The Legislature determined that 1.25% of all gasoline tax revenue is used for marine purposes. After tax refunds are made to commercial motorboat users, the remainder is divided 80% to the establishment of the Boating Facilities Fund administered by the State Park and Recreation Commission, and 20% to the Department of Marine Resources for fishery projects.

The Boating Facilities fund finances the acquisition, construction and maintenance of public boating sites, access areas on all waters and navigational aids for boaters.

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LICENSING DIVISION
WATERCRAFT SECTION
284 STATE STREET
STATE HOUSE STATION 48
AUGUSTA, MAINE 04333

Duck Hunter? Fisherman? Cold water can kill.

Cold water is a leading killer of hunters and fishermen. Many "drowning" victims do not drown at all -- they die from cold. Most sportsmen know the dangers of exposure and dress warmly for the weather. **In cold water, the body loses vital heat 30 times faster than in the air.**

Life expectancy in 33-40 degree water can be reduced to 15 minutes when wearing a life preserver -- even less without.

It is almost impossible to put a life jacket on in the water when hit with sudden cold shock. **Life jackets should be worn when boating on cold water.**