

1-1-1992

Maine Boating Laws, 1992

Maine Department of Inland Fisheries and Wildlife

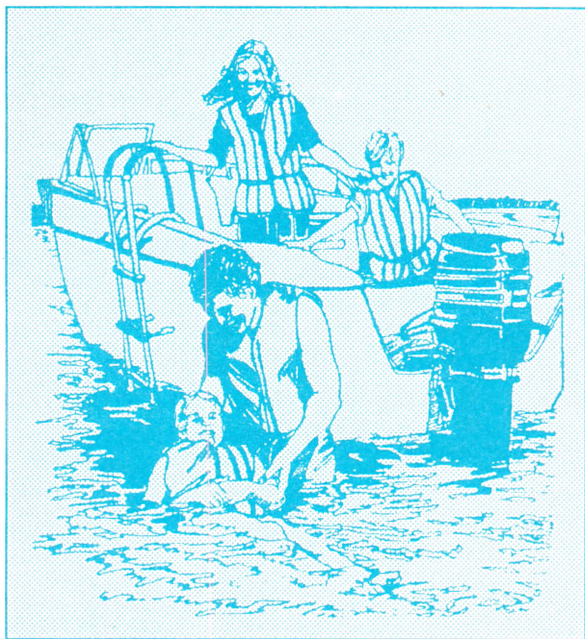
Follow this and additional works at: https://digitalmaine.com/ifw_law_books

Recommended Citation

Maine Department of Inland Fisheries and Wildlife, "Maine Boating Laws, 1992" (1992). *Inland Fisheries and Wildlife Law Books*. 23.
https://digitalmaine.com/ifw_law_books/23

This Text is brought to you for free and open access by the Inland Fisheries and Wildlife at Digital Maine. It has been accepted for inclusion in Inland Fisheries and Wildlife Law Books by an authorized administrator of Digital Maine. For more information, please contact statedocs@maine.gov.

MAINE BOATING LAWS



DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
WATERCRAFT SECTION -- 284 STATE STREET
STATE HOUSE STATION 41
AUGUSTA, ME 04333

MAINE BOAT LAW

CONTENTS

MAINE BOAT LAW - 1

WATERCRAFT REGULATIONS - 20

MAINE WATERWAY MARKING SYSTEM - CENTERFOLD

OTHER LAWS OF INTEREST TO BOAT OWNERS - 35

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.

Many boaters do not realize the dangers of cold Maine waters. Many "drowning" victims do not drown at all, they die from cold. In cold water the body loses heat 30 times faster than in the air. Since it is almost impossible to put a life jacket on when the shock of cold water hits, life jackets should always be worn when boating on cold water.

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

The Department of Inland Fisheries and Wildlife receives Federal funds from the U.S. Coast Guard and Department of the Interior. Accordingly, all Department programs and activities must be operated free from discrimination in regard to race, color, national origin, age, or handicap. Any person who believes that he or she has been discriminated against should write to the Office of Equal Opportunity, U.S. Department of the Interior, Washington, D.C. 20240.

MAINE BOAT LAW

Title 12 Chapter 715 - Watercraft and Airmobiles Subchapter 1

§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 Licensing and Registration, a part of the Dept. 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 the 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.
- 4-A. **Marina or boat yard owner.** "Marina or boat yard owner" means a person who owns a facility that leases storage, docking or mooring space to watercraft.
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.
- 11-A. **Personal watercraft.** "Personal watercraft" means any motorized watercraft that is less than 13 feet in hull length as manufactured, is capable of exceeding a speed of 20 miles per hour and has the capacity

to carry not more than the operator and one other person while in operation. The term includes, but is not limited to, a jet ski, wet bike, surf jet, miniature speedboat and hovercraft. Personal watercraft also includes motorized watercraft whose operation is controlled by a water skier.

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 Procedures 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.
- 1-A. **Appointment of watercraft registration agents; report; fees.** Rules authorizing the commissioner to delegate the authority to issue watercraft registrations subject to the following.
 - A. The Commissioner may appoint municipal clerks or other persons who a municipality may designate as municipal agents to issue watercraft registrations. The Commissioner shall determine the period when the agents shall act.
 - B. For the purpose of issuing watercraft registrations, agents other than municipal agents shall be appointed or reappointed as follows.
 - (1) The Commissioner shall designate as an agent, for the purpose of issuing watercraft registrations, any person who holds a boat dealer's certificate of number in accordance with section 7795, submits a complete application, is creditworthy and has not violated any provision of this subchapter.
 - (2) A business, the agency of which is revoked for a violation of this subchapter, may reapply for an agency for the 2nd year following the last year it held an agency.
 - C. Each agent, for the purpose of issuing watercraft registrations, shall submit a report to the commissioner on or before the 15th day of each calendar month. The report shall include an accounting of all watercraft registrations issued during the previous calendar month and shall be accompanied by:
 - (1) The Department's copy of each registration issued; and
 - (2) All watercraft registration funds collected by the agent during the reporting period.

- D. Agents may charge a service fee of not more than \$1 for each watercraft registration issued and this service fee shall be retained by the agent. (Effective 1/1/90)
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 the 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 ensure the safety of persons and property. The adoption of rules under this subsection is governed by the Maine Administrative Procedures Act, Title 5, Part 18, except that such rules may be 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, 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 annually 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 participate 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 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 tax collector 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 tax collector 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.

§7793-A. Collection by commissioner

The commissioner or agents of the commissioner shall act on behalf of the State Tax Assessor to collect the use tax due under Title 36, Chapters 211 to 225 in respect to any watercraft for which an original registration is required under this Title at the time and place of registration of that watercraft. Each official shall deduct and retain from the use taxes collected pursuant to this section a fee of \$1.25 for each watercraft in respect to which a use tax certificate has been submitted in accordance with section 7793-C, even though the certificate indicated that no use tax was due in respect to the watercraft in question. All fees so retained shall be transmitted forthwith to the Treasurer of State and treated as funds deposited pursuant to section 7074. All taxes collected pursuant to this section shall be transmitted forthwith to the Treasurer of State and shall be credited to the General Fund.

§7793-B. Original registration defined

"Original registration" shall mean any registration other than a renewal of registration by the same owner in sections 7793-A to 7793-E.

§7793-C. Payment of sales or use tax a prerequisite to registration

No application for registration shall be granted in respect to any watercraft whose sale or use may be subject to tax under Title 36, Chapters 211 to 225, except in the case of a renewal of registration by the same owner, unless and until one of the following conditions has been satisfied:

1. **Dealers' certificate.** The applicant has submitted a dealers' certificate in a form prescribed by the State Tax Assessor, showing either that the sales tax due in respect to the watercraft in question has been collected by the dealer or that the sale of the vehicle is exempt from or otherwise not subject to tax under Title 36, chapters 211 to 225.
2. **Use tax certificate.** The applicant has properly executed and signed a use tax certificate in such form and manner as may be prescribed by the State Tax Assessor and paid the amount of tax shown therein to be due; or
3. **Exemption.** The applicant has properly executed and signed a use tax certificate in such form and manner as may be prescribed by the State Tax Assessor showing that the sale or use of the watercraft in question is exempt from or otherwise not subject to tax under Title 36, Chapters 211 to 225.

§7793-D. Certificates to be forwarded to the State Tax Assessor

Upon receipt by the commissioner or the commissioner's agent of any certificate submitted in accordance with section 7793-C, that official shall promptly forward the certificate to the State Tax Assessor.

§7793-E. Collection by State Tax Assessor

The provisions of this section shall be construed as cumulative of other methods prescribed in Title 36, Chapters 211 to 225, for the collection of the sales or use tax. Nothing herein shall be construed as precluding the State Tax Assessor from collecting the tax due in respect to any watercraft in accordance with such other methods as are prescribed in Title 36, Chapters 211 to 225, for the collection of the sales or use tax.

§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. No certificate of number may be issued unless the owner submits proof that the watercraft excise tax, assessed under Title 36, Chapter 112, has been paid or that the boat is exempt from the watercraft excise tax. **NOTE:** In addition, no certificate of number may be issued unless the owner submits proof of payment of the sales/use tax. See section 7793-C.

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 or 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. Watercraft requiring/requesting certificate of number... \$4
- B. Duplicate certificate of number.....\$1
- C. Duplicate validation sticker (per set).....\$1
- 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 numeral, 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 from 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;
- (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 the 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.
- 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.
- 9. **Expiration.** Every certificate of number awarded under this subchapter continues in force until the last day of the 12th month after the month of issuance, except that a dealer's certificate of number shall expire at midnight on December 31st of the calendar year for which the certificate was issued.
- 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.

§7794-A. History of Ownership.

1. **Request.** The commissioner or his designee shall provide on request a written record of the history of past ownership of any watercraft which requires a certificate of number under this subchapter. The request shall be made on forms provided by the commissioner.
2. **Fee.** The fee for providing the record shall be \$25 and shall be submitted with the request form.

§7795. Dealer's certificate of number.

1. **Application.** Any manufacturer or dealer of new or used motorboats who has 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 containing the place of business of the applicant and a general distinguishing number on such form as determined by the commissioner.
3. **Fee.** The fee for a dealer's certificate of number is \$15 annually from each January 1st.
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. 20-Day Boat Number and Registration

1. **Issuance.** The commissioner may issue temporary 20-day boat numbers and registrations to bona fide dealers who request them under such conditions as the commissioner deems necessary.
2. **Fee.** The commissioner shall receive \$1 for each 20-day temporary plate.
3. **Use of 20-day plates.**
 - A. Upon the sale or exchange by a dealer of any motorboat which requires numbering, the new owner may secure from the dealer a temporary 20-day boat number and registration to operate the craft for one period of 20 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 a certificate of 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 20-day boat number to the bow of the motorboat and shall clearly mark thereon the date issued, date of expiration and the dealer's Maine dealer number.

4. Restriction.

- A. The temporary 20-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 20-day period, the owner shall remove and discard the temporary 20-day boat number and display the permanent boat number and validation stickers assigned by the commissioner in accordance with § 7704, 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.

§7798-A. Certificate of number for motorboats rented or leased

Before any motorboat may be rented or leased, the owner of the motorboat shall obtain a certificate of number from the commissioner under section 7794.

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

1. **Application.** Every operator of a motorboat other than a licensed Maine guide certified in watercraft safety, 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 operators license, shall obtain an operator's license from the commissioner 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 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 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.

7. **Exception.** This section does not apply to any person who operates a watercraft in connection with a boys or girls camp located in this State and licensed by the Department of Human Services or located in another state and licensed in a similar manner in that State.

§7799-A. Waste water discharge in inland water.

No person may operate a watercraft in inland waters with a marine toilet, shower or sink unless the waste water from the toilet, shower or sink is fed directly into a holding tank. The holding tank for sanitary waste water must not in any way be connected to any through-hull fitting.

§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 as undedicated revenue to the General Fund and as dedicated revenue to the Department of Marine Resources in accordance with subsection 3.

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 that money accrues as undedicated revenue to the General Fund, except that all fines, forfeitures and penalties collected as a result of the efforts of municipal law enforcement officers or harbor

masters enforcing the provisions of this subchapter in their respective jurisdictions are paid to that municipality for the local enforcement efforts of this subchapter. The department shall record as dedicated revenue to the Department of Marine Resources that portion of fines, forfeitures and penalties allocable to the Department of Marine Resources in accordance with subsection 3.

3. **Disbursement of revenues.** All revenues collected under this subchapter, including fines, fees and other available money must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to an allocation rate that directly relates to the administrative costs of the Division of Licensing and Registration and the historical revenue distribution pattern including any necessary year-end reconciliation and accounting distribution. The allocation rate must be jointly agreed to by the department and the Department of Marine Resources and approved by the Department of Finance, Bureau of the Budget.

§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.
- 2-A. **Illegal operation of watercraft on inland waters.** A person is guilty of operating a watercraft in violation of section 7799-A if that person launches a watercraft into, or operates a watercraft on inland waters with a marine toilet, shower or sink the waste water of which is not fed directly into a holding tank or if the holding tank for sanitary waste water is connected to any through-hull fittings. (Effective April 1, 1990).
3. **Violation of license, permit or certificate restriction.** A person is guilty of 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 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.
- 6-A. **Leasing or renting a motorboat without a certificate of number.** A person is guilty of renting or leasing a motorboat without a certificate of number if he rents or leases any motorboat not covered by a current certificate of number as required by section 7798-A.
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 while under the influence or with excessive blood-alcohol level.** A person is guilty of a criminal violation if that person operates or attempts to operate any watercraft:
 - A. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs; or
 - B. While having 0.08% or more by weight of alcohol in that person's blood.
- 9-A. **Failure to comply with duty to submit.** A person is guilty of failure to comply with the duty to submit to and complete a blood-alcohol test under section 7802 if that person refuses to submit to or fails to complete a blood-alcohol test when requested to do so by a law enforcement officer:
 - A. Who has probable cause to believe that the person operated or attempted to operate a watercraft while under the influence of intoxicating liquor; or
 - B. When the person was the operator of a watercraft involved in a watercraft accident which results in the death of any person, as provided in section 7912, subsection 11.
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:

- A. Operates a motorboat within any boating area marked or buoyed for bathing.
- B. Operates an airmobile on a beach adjacent to a bathing area marked or buoyed for bathing.

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 birds, 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; or
- C. Fails to wear a Coast-Guard approved Type I, Type II, or Type III personal flotation device while canoeing or kayaking on the Saco River between Hiram Dam and the Atlantic Ocean between January 1st and June 1st.

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 \$300 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, received 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, by the quickest means of communication, 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 T13R6 WELS, 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 shoreline abutting, the incorporated municipality of Millinocket and the unincorporated Townships being T1R7 and TA R7, all in the County of Penobscot;
- D. Operates a motorboat on Upper and Lower Ox Brook Lakes in the towns of T6ND, T6R1 and Talmadge in the County of Washington;

- E. Operates a motorboat on Little Nesowadnehunk (Sourdnehunk) Lake, in T5R11, 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, Twp. E and Twp. D, Franklin County;
 - G. Operates a motorboat on a body of water commonly known as and referred to in the Dunham-Daves 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 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 failure 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 building.** 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 commissioner under section 7797 may exceed the noise level.

28. Failure to display an excise tax decal. An owner of a watercraft who fails to display the excise tax decal, as required by Title 36, chapter 112, commits a civil violation of which a forfeiture, payable to the municipality where the watercraft is subject to excise tax, of not less than \$25 nor more than \$250 shall be adjudged. In all cases where the owner of a watercraft fails to display an excise tax decal as required under Title 36, chapter 112, the law enforcement officer discovering the failure shall notify the tax collector of the owner's residence or, in the case of nonresidents, partnerships or corporations, foreign or domestic, the tax collector of the municipality where the watercraft is principally moored, docked or located or has its established base of operations.

29. Failure to maintain a list or to make lists available. Where a marina or boat yard owner fails to maintain the list required by Title 36, section 1504, subsection 9, or fails to make that list available as required by that section, he commits a civil violation for which a forfeiture of not less than \$25 nor more than \$250 shall be adjudged.

30. Failure to comply with additional safety requirements while operating a personal watercraft. A person is guilty of failure to comply with additional safety requirements while operating a personal watercraft if that person:

- A. Or any passenger is not wearing Coast Guard approved Type I or Type II personal flotation devices while operating or riding on the personal watercraft.
- B. Operates the personal watercraft during the hours between sunset and sunrise; or
- C. Operates the personal watercraft before attaining the age of 12 years.

31. Unlawfully permitting operation. A person is guilty of unlawfully permitting operation of a watercraft:

- A. If that person owns a watercraft and negligently permits another person to operate the watercraft in violation of any section of this subchapter; or
- B. If that person is the parent or guardian responsible for the care of a minor under 18 years of age and the minor operates a personal watercraft in violation of any section of this subchapter.

32. Unlawfully operating a watercraft within the water safety zone. A person is guilty, except as provided in section 7802, of unlawfully operating a watercraft within the water safety zone if that person operates a watercraft at a speed greater than headway speed while within the water safety zone or within a marina or an approved anchorage in coastal or inland waters.

§7802. Operating within the water safety zone.

- 1. Headway speed only.** No person may operate a watercraft at a speed greater than headway speed while within the water safety zone or within a marina or an approved anchorage in coastal or inland waters except while actively fishing. For the purposes of the section, "headway speed" means the minimum speed necessary to maintain steerage and control of the watercraft while the watercraft is moving.
- 2. Water-skiing.** The prohibition in subsection 1 does not apply to watercraft picking up or dropping off one or more persons on water-skis in the water safety zone if a reasonable direct course is taken through the water safety zone between the point that the skiers are picked up or dropped off and the outer boundary of the water safety zone.

§7803. Harbor masters on inland waters

- 1. Appointment; compensation.** The municipal officers of a town bordering an inland waterway may appoint a harbor master for a term of not less than one year and may establish the harbor master's compensation. The harbor master is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and rules promulgated by the municipality. The municipal officers may remove the harbor master from office for cause, declared in writing, after due notice to the harbor master and a hearing, if requested.

The municipal officers may prohibit a harbor master from making an arrest or carrying a weapon. Harbor masters who are not prohibited from making arrests may arrest and deliver to the law enforcement authorities on shore any person committing an assault upon them or another person acting under their authority.

2. **Authority and responsibility.** A harbor master appointed under this section shall enforce the watercraft laws of the State and the municipality on any water within the jurisdiction of the municipality.
3. **Violation.** Whoever neglects or refuses to obey any lawful order of a harbor master authorized pursuant to this section commits a Class E crime.
4. **Jointly appointed harbor masters.** The municipal officers of 2 or more municipalities that border on the same inland waters may jointly appoint a single harbor master who shall have authority over the jurisdictions of all the participating municipalities.

§7804. Enforcement of watercraft laws.

Any municipal, county or state law enforcement officer or any harbor master appointed pursuant to section 7803 or Title 38, section 1 has the authority to enforce, in their respective jurisdictions, the watercraft laws in this subchapter and the rules related to those laws.

§7805. Implied consent to chemical tests

Any person who operates or attempts to operate a watercraft within this State shall have the duty to submit to a test to determine that person's blood-alcohol level by analysis of blood or breath, if there is probable cause to believe that person has operated or attempted to operate a watercraft while under the influence of intoxicating liquor. The duty to submit to a blood-alcohol test includes the duty to complete either a blood or breath test. Tests and procedures applicable in determining whether a person is under the influence are governed by section 7912.

**STATE BUREAU OF PARKS AND RECREATION
BOATING FACILITIES DIVISION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333
(207)-287-4952**

The Director of the Bureau of Parks and Recreation may make rules for the uniform marking of the water areas of this State not otherwise regulated, through the placement of aids to navigation and regulatory markers. No city, county or person shall mark the waters of this State in any manner conflicting with the marking system prescribed by the Director of the Bureau of Parks and Recreation.

The Maine Waterway Marking System is the basic system of uniform markers used on State waters as recommended by the Council of State Governments and the Advisory Panel, U.S. Merchant Marine Council, U.S. Coast Guard, for purposes of minimizing hazards to navigation.

Maine cooperates in this nationwide uniform marking system to insure that these buoys and markers will have the same meaning in all states. The system is compatible with existing Coast Guard regulations.

The Maine Uniform State Waterway Marking System (M.U.S.W.M.S.) has been developed to guide the watercraft operators on waters of this State.

State waterway markers shall not normally be placed within the Water Safety Zone (200 feet or less from shoreline), except in channels or to mark hazards to navigation in critical high traffic areas. Neither shall floating State waterway markers normally be placed in waters of less than four (4) feet of unobstructed depth, at average water level.

Whoever violates any of the rules and regulations or any notices posted by the Bureau of Parks and Recreation at public boat launch facilities, or who willfully mutilates, defaces or destroys any notice, monument or marker lawfully erected within or adjoining the borders of these public facilities shall be guilty of a Class E crime.

Whoever marks waters contrary to the rules established by the Director of the Bureau of Parks and Recreation shall be guilty of a Class E crime.

Whoever moors a watercraft to any buoy, beacon or permanent structure placed by the State in any waters of this State, or in any manner makes fast thereto, shall be guilty of a Class E crime.

Whoever willfully destroys, defaces, damages, moves off station or sinks any buoy, beacon or marking device either floating on the waters of the state or permanently fixed to the land or structures adjacent to the water areas of the State, placed by the State, shall be guilty of a Class E crime.

WATERCRAFT REGULATIONS
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
Chapter 13
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
- (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".

D. Local temporary boat registration. Any boat registration processed by a local boat registration agent which is not a renewal, shall be a 60 day temporary registration containing the following:

- (1) Temporarily assigned boat number which corresponds with the temporary decal assigned
- (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 legal residence

All boats covered by a local temporary boat registration shall be required to display the boat temporary registration sticker on each side of the bow of the boat until the permanent registration is issued.

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, explosion or other)
- (22) The opinion of the person making the reports 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 number, 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 Motorboat 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. Definition.

- (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 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 sheet. 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 attachment.
- (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 signal.** 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.


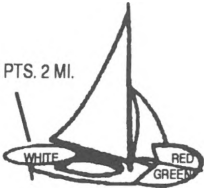
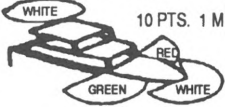
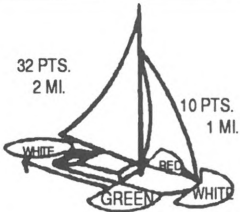


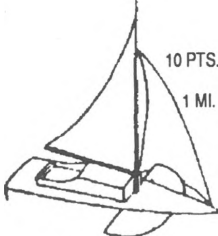

- (1) **Motorboats of Classes A and 1:**
 - a. A bright white light aft to show all around the horizon.
 - b. A combined light in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft 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; names, 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 light, 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.


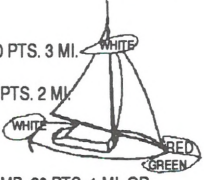
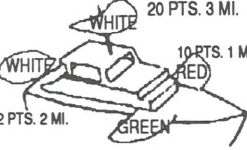
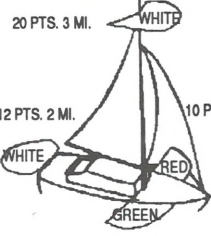

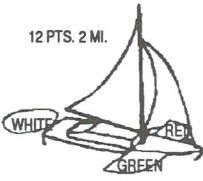
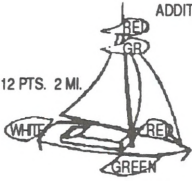

INLAND

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.</p> <p>20 PTS. 2 MI.</p> |  <p>32 PTS. 2 MI.</p> <p>10 PTS. 1 MI.</p> <p>10 PTS. 1 MI.</p> <p>20 PTS. 2 MI.</p> |
| AUXILIARY: SAIL ALONE | SAILBOATS |
|  <p>COMB. 20 PTS. 1 MI</p> |  <p>COMB. 20 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> |

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.</p> <p>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> |
| <p>POWER - 40' BUT LESS THAN 65'</p> <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>SAILING VESSELS OVER 40'</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> |
| <p>20 PTS. 2 MI. OPTIONAL AND ADDITIONAL</p>  <p>12 PTS. 2 MI.</p> <p>10 PTS. 2 MI.</p> <p>3 FT. SCREEN ON SIDELIGHTS</p> |  <p>RED OVER GREEN 20 PTS. 2 MI. FOR MASTHEAD OPTIONAL FOR ALL SAILBOATS</p> |

C. *Personal flotation devices.* All personal flotation devices (PFD's) 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 (PFD's) based on the use and the length of said craft for each person aboard:

| PERSONAL FLOTATION DEVICES (PFD'S) | | |
|--|--|---|
| Use of Boat | Length | Required Type of PFD |
| Recreational: Pleasure or Rental, Lease or Charter for noncommercial uses | Less than 16 ft; and all canoes and kayaks regardless 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 immedi- ately available in boat. |
| Commercial Carrying passengers for hire | Any Length | A Type I device of suitable size for each person aboard with at least 31 sq. in. of approved retroreflective material attached on the front, on the back and on each of its reversible sides. |
| Commercial Fishing and Commercial Barges | 0 to 40 ft. | Either a Type I, II, or III device of suitable size for each person aboard. |
| | 40 ft. or longer | A Type I device of suitable size for each person aboard |
| All Commercial Uses | 26 ft. or longer | Must carry Type IV ring buoy in addition to above devices |

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 | Buoyant 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 incidental to tuning up of the boats and engines for the race.

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

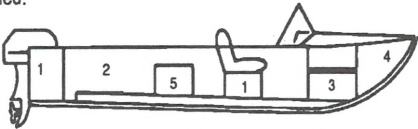
| Class of Motorboat | No Fixed Fire Extinguishing System in Machinery Spaces | Fixed Fire Extinguishing System in Machinery Space |
|--------------------|--|--|
| A | 1 | 0 |
| 1 | 1 | 0 |
| 2 | 2 | 1 |
| 3 | 3 | 2 |

*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 extinguishers.

b. Fire Extinguisher Classification:

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

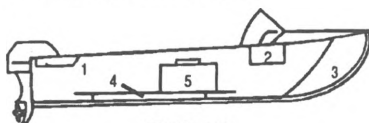
- (2) Motorboats of Classes A and 1 which are propelled by outboard motors but are not carrying passengers for hire need not carry such fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors. The intent of this exemption is illustrated 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.

| Length of Vessel | Type of Device |
|---|---|
| Less than 39'4" No Bell Required | Some means of making efficient sound signal |
| 39'4" to less than 65'7" Bell required | Whistle audible for 1/2 mile (120 db) |
| 65'7" to 245'11" Bell required | Whistle audible for 1 mile (130 db) |

NOTE: A vessel, the keel of which was laid prior to 12/24/80, may comply with the requirement below rather than the new requirements, described above, until 12/24/90

| 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 degrees 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. Backfire 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 10/1/80 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 (37 mm) (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 & Night | 3 |
| 160.066 | Red aerial pyrotechnic flare distress signal for boats (These devices may be either meteor or parachute type and make 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 Water-skiing

- 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 water-skiing, 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 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 course 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
- b. Horseshoe Pond, Denmark, Oxford County
- c. Boston Pond, Denmark, Oxford County
- d. Bradley Pond, Lovell, Oxford County
- e. Trout Pond, T3R5, Piscataquis County
- f. Wylie Pond, Boothbay, Lincoln County
- g. Little Kennebago Lake, T3R4, Franklin County
- h. Upper Dam Pool, T4R1, Oxford County (from gates of dam, downstream or westerly 150 yards)
- i. Durgin Pond, T2R6 BKP WKR, Somerset County
- j. Little Berry Pond, T2R6 BKP WKR, Somerset County
- k. Lone Jack Pond, T2R6 BKP WKR, Somerset County
- l. Round Pond, T1R6 BKP WKR, Somerset County
- m. Fry Pan Pond, T2R5 BKP EKR, Somerset County
- n. Blood Pond, T2R13 WELS, Piscataquis County
- o. Loon Lake, Rangeley and Dallas Townships, Franklin County
- p. Martin and/or Long Pond, The Forks Plt., Somerset County
- q. Big Brook from Burt Garrity Road in T13 R10 WELS to and including Big Brook Lake in T14R10 WELS, Aroostook County
- r. Simpson Pond, Roque Bluffs, Washington County
- s. Southern most part of Thompson Lake separated from the main body by a causeway known as The Heath, Casco, Cumberland County
- t. Little Pond, Damariscotta, Lincoln County
- u. Moxie Long Bog, Bald Mountain Twp., Somerset County
- v. Clay Pond, Fryeburg, Oxford County
- w. Watson Pond, Rome Twp., Kennebec County
- x. Walton's Mill Pond, West Farmington, Franklin County
- y. Sand Pond, Limington Twp., York County
- z. Saddleback Lake, Dallas Plt., Franklin County
- aa. Hooper Pond (Little Sabattus), Greene, Androscoggin County

(2) Motorboats with more than 6 horsepower prohibited:

- a. Perley's Pond, Denmark, Oxford County

- b. Little Pond, Denmark, Oxford County
- c. Ell and/or L Pond, Sanford and Wells, York County
- d. Black Lake, Fort Kent, Aroostook County
- e. Farrington Pond, Lovell, Oxford County
- f. Heald Pond, Lovell, Oxford County
- g. Horseshoe Pond, Stoneham and Lovell, Oxford County
- h. Haley Pond, Rangeley Twp. and Dallas Plt., Franklin County
- i. Rich Mill Pond, Standish, Cumberland
- j. Boyd Pond, Bristol, Lincoln County
- k. Harriman Pond, Dedham, Hancock County

(3) Motorboats with more than 10 horsepower prohibited:

- a. Lower Range Pond, Poland, Androscoggin County
- b. Sand Pond, Sanford, York County
- c. East Carry Pond, T2R3, Somerset County
- d. West Harbor Pond, Boothbay Harbor, Lincoln County
- e. Five Kezar Ponds: (Mud, Little Mud, Back, Middle and Jewett Ponds)
located singly or jointly in Waterford, Stoneham and Lovell, Oxford County
- f. Timoney Lake, Oakfield and Smyrna, Aroostook County
- g. McKenney Pond, Holeb Township, Somerset County
- h. Big Fish Pond, Holeb Township, Somerset County
- i. Barrett Pond, Holeb Township, Somerset County
- j. Turner Pond, Forsythe Township, Somerset County
- k. Little Turner Pond, Forsythe Township, Somerset County
- l. Long Pond, Forsythe Township, Somerset County
- m. Arnold Brook Recreation Watershed Lake in Presque Isle, Aroostook
County
- n. Lard Pond, Turner, Androscoggin County
- o. Echo Lake, Mount Desert, Hancock County
- p. Stevens Pond, Liberty, Waldo County
- q. Moulton Pond, Dedham, Hancock County
- r. Mainstream Pond, Harmony, Somerset County
- s. Hobbs Pond (Little Pennessawassee), Norway, Oxford County
- t. Toddy Pond, Brooks, Waldo County

(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

(5) Motorboats with internal combustion engines prohibited:

- a. Garland Pond, Sebec and Dover-Foxcroft, Piscataquis County
- b. York Pond, Eliot, York County
- c. Mt. Blue Pond, Avon, Franklin County
- d. Sewell Pond, Arrowsic Sagadahoc County

OTHER MAINE LAWS OF INTEREST TO BOATERS

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 (T6R11) 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 Matagamom Lakes.

Lt. G. Manuel Wildlife Area, Hodgdon, Maine - no motorboats allowed.

MAINE LITTER CONTROL ACT

MRSA, Title 17, Section 2264. Littering prohibited.

No person may throw, drop, deposit, discard or otherwise dispose of litter in any manner or amount:

1. **Public Property.** In or on any public highway, road, street, alley, public right-of-way or other public lands, except in containers, receptacles, or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions.
2. **Waters.** In any fresh water lake, river, stream, tidal or coastal water or on ice over the water. When any litter is thrown or discarded from a watercraft both the operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire, and the person actually disposing of the litter are in violation of this section. This subsection does not prohibit persons who fish, lobster or otherwise harvest from the water from returning to the water harvested products, bait and similar materials that naturally originate in the water.

§2264-A. Penalties.

Unless otherwise indicated, a person who disposes of litter in violation of this chapter commits a civil violation and is subject to a forfeiture of not more than \$200 nor less than \$25 for the first violation and a forfeiture of not more than \$500 nor less than \$100 for a subsequent violation. In addition to the forfeitures imposed in section 2264-A, the court may order a person adjudicated to have violated section 2264 to: remove the litter dumped in violation of section 2264; pay the owner of the property treble the owner's cost of clean-up or removal of the litter; or pay the person sustaining damages arising out of a violation of this subsection treble the actual damages of \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding.

MRSA, Title 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 or not more than \$500.

§423B. Watercraft Sewage Pump-Out Facilities at Marinas

Effective June 1, 1990, marinas serving coastal waters shall provide, or provide through contractual agreements, facilities to remove sanitary waste from the holding tanks of watercraft. For purposes of this section, "marina" means any commercial facility that provides supplies and services and has the capacity to provide slip space or moorings for 18 or more vessels which exceed 24 feet in length.

MRSA, Title 17, sec. 2497. Mooring Watercraft to Buoys or Beacons; Destruction of Same.

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 buoy or beacon shall forfeit \$100 and be imprisoned for 3 months. Said forfeitures may be recovered by complaint or civil action, 1/2 to the plaintiff or informer and 1/2 to the county in which the trial is had.

MRSA, Title 17, Section 2499. Injuring or cutting loose booms, rafts, vessels or boats; civil action for damages.

Whoever willfully or maliciously, without consent of the owner, cuts away, lets loose, injures or destroys and 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 or 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.

MRSA, Title 36, Section 2903-A and Title 38, Subchapter 8. Marine Gas Tax and Public Facilities for Boats.

The Legislature determined that 2.00% 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.

MRSA, Title 14, Section 159-A. Limited Liability for Recreational or Harvesting Activities.

1. Definitions:

- A. "Premises" shall mean improved and unimproved lands, private ways, any buildings or structures on those lands and waters standing on, flowing through or adjacent to those lands.
- B. "Recreational or harvesting activities" means recreational activities conducted out-of-doors, including hunting, fishing, trapping, camping, hiking, sight-seeing, operation of snow-traveling and all-terrain vehicles, skiing, hang-gliding, boating, sailing, canoeing, rafting or swimming or activities that involve harvesting or gathering forest products. It shall include entry, use of and passage over premises in order to pursue these activities.

2. Limited Duty. An owner, lessee or occupant of premises shall owe no duty of care to keep the premises safe for entry or use by others for recreational or harvesting activities or to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes.

3. Permissive use. An owner, lessee or occupant who gives permission to another to pursue recreational or harvesting activities on the premise shall not thereby:

- A. Extend any assurance that the premises are safe for those purposes.
- B. Make the person to whom permission is granted an invitee or licensee to whom a duty of care is owed; or
- C. Assume responsibility for or incur liability for any injury to persons or property caused by any act of persons to whom the permission is granted.

4. Limitations on section. This section shall not limit the liability which would otherwise exist:

- A. For a willful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity;
- B. For an injury suffered in any case where permission to pursue any recreational or harvesting activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State; or
- C. For an injury caused, by acts of persons to whom permission to pursue any recreational or harvesting activities was granted, to other persons to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

5. No duty created. Nothing in this section shall create a duty of care or ground of liability for injury to a person or property.

6. Costs and fees. The court shall award any direct legal costs, including reasonable attorney's fees, to an owner, lessee or occupant who is found not to be liable for injury to a person or property pursuant to this section.

MAINE BOATING LAW HIGHLIGHTS

AGE REQUIREMENT FOR OPERATING WATERCRAFT:

A person under the age of 12 must be under the immediate supervision of a person located in the boat who is at least 16 years of age while operating a motorboat propelled by machinery greater than 10 horsepower.

A person may not operate personal watercraft (including jet-skis) before attaining the age of 12.

OPERATING WITHIN THE WATER SAFETY ZONE:

No person may operate a watercraft at greater than headway speed while within the water safety zone, except to pick up or drop off one or more persons on water-skis, or while actively fishing. The water safety zone is the area of water within 200 feet of any shoreline, whether the shoreline of the mainland or of an island. Headway speed is the minimum speed necessary to maintain steerage and control of the watercraft while the watercraft is moving.

WATERSKIING:

No person shall operate any watercraft towing a person or persons on water-skis, surfboard or other similar devices unless there is a person at least 12 years of age in the watercraft, in addition to the operator, who is in a position to continually observe the person or persons being towed.

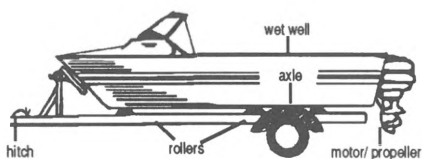
PERSONAL FLOTATION DEVICES:

Recreational (pleasure, rental, lease or charter for commercial uses) boats less than 16 feet in length and all canoes and kayaks regardless of length are required to have either a Type I, II, III or IV PFD for each person aboard. Boats 16 feet or longer have to have the same PLUS one Type IV device immediately available in the boat. (See charts on page 27 for a description of the required PFD's). PFD's must be worn when operating personal watercraft (jet skis, etc.).

HELP STOP THE SPREAD OF NUISANCE AQUATIC PLANTS



**REMOVE ALL PLANTS
AND PLANT FRAGMENTS
FROM:**



**Any further questions should be directed to:
Dept. of Environmental Protection,
Div. of Environmental Evaluation & Lake Studies
1-800-452-1942 or
287-2437**

INDEX

| | Page |
|---|----------|
| Accidents | 13,21 |
| Age restriction for operation | 13 |
| Application to register | 5 |
| Assessors, notice to | 4 |
| Bathing areas, operation | 13 |
| Carrying passengers for hire | 9 |
| Dealer's certificate | 8 |
| Dealer's 20-day plates | 8 |
| Definitions | 1 |
| Discharge of waste from watercraft | 10,36 |
| Disposition of fines and fees | 10 |
| Duplicate certificate | 5 |
| Duplicate validation sticker | 6 |
| Expiration date | 7 |
| Fees to register | 6 |
| Fire extinguishers | 28 |
| Flame arrestors, carburetor | 30 |
| Gasoline Tax (Marine) | 36 |
| Injuring or tampering with watercraft | 36 |
| Lights | 23 |
| Littering | 35 |
| Molesting wildlife | 13 |
| Mooring to buoys | 36 |
| Motorboat, defined | 1 |
| Motorboats, registration required | 5 |
| Mufflers | 13 |
| New ownership | 7 |
| Notice of destruction, abandonment, removal, transfer of ownership, change of address or theft | 7 |
| Numbers, display | 6 |
| Numbers, exempt from | 5 |
| Numbers, permanent | 7 |
| Operating under the influence | 12,18 |
| Operation of boats (Rules of the road) | 32 |
| Operator's license, examination | 10 |
| Personal flotation devices | 27 |
| Prohibited acts | 11 |
| Public records | 3 |
| Regattas, races, exhibitions | 9 |
| Regulation authority | 2 |
| Removal of numbers and validation stickers | 7 |
| Renewal of license | 10 |
| Safety equipment | 22-31 |
| Sound devices | 29 |
| Speed, prudent, required | 12 |
| Sunrise and sunset | 22 |
| Suspension and revocation of operator's license | 10 |
| Taking, injuring or cutting loose boats | 36 |
| Termination of certificate | 7 |
| Toilets, marine | 10-11,36 |
| Transfer of ownership | 7 |
| Ventilation | 30 |
| Visual distress signals | 30-31 |
| Water safety zone | 2,17 |
| Water skiing | 31 |
| Watercraft fund | 10 |

THINK BEFORE YOU DRINK. BE A RESPONSIBLE BOAT OPERATOR

A person who operates a boat while under the influence of alcohol or with a blood alcohol count of 0.08 percent or greater is committing a crime. In addition, he is posing a hazard to himself, his passengers and other users of our waterways.

It has been estimated that 60% of recreational boating fatalities are alcohol related. Don't make any new statistics. While you are operating a boat, leave the drinking to others, for their sake and for yours.



Leave the drinking for later in the day.

