

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
103rd LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 60, L.D. 85, Bill, "An Act Relating to Construction, Maintenance of Boat Facilities, Public Access and Marking the Waters."

Amend said Bill by striking out all of the 2nd underlined paragraph of section 1 (same in L.D. 85) and inserting in place thereof the following:

'In carrying out the purposes of this chapter, the Park and Recreation Commission, its authorized agents and employees, may enter upon any lands, waters and premises in the State for the purpose of making surveys and examinations as it may deem necessary or convenient in the discharge of its duties, and such entry shall not be deemed a trespass.'

Further amend said Bill by inserting after section 1 the following section:

'Sec. 2. R. S., T. 38, §321-A, additional. Title 38 of the Revised Statutes is amended by adding a new section 321-A, to read as follows:

§321-A. Powers

In carrying out the purposes of this subchapter, the Park and Recreation Commission shall have and exercise the following powers and authority:

1. Exercise police supervision. To exercise police supervision over public facilities acquired, constructed and maintained pursuant to this subchapter in the same manner and to the same extent that said commission may exercise police supervision over state parks and memorials under Title 12, section 602, subsection 5.

2. Establish rules and regulations. To establish such rules and regulations as it deems necessary:

A. For the protection and preservation of public facilities acquired, constructed and maintained pursuant to this subchapter;

B. For the protection and safety of the public; and,

C. For observances of the conditions and restrictions expressed in deeds of trust or otherwise, of any such public facilities.'

Further amend said Bill by striking out in the first line of section 2 the underlined abbreviation and figure "Sec. 2." and inserting in place thereof the underlined abbreviation and

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(Filing No. H-70)

figure 'Sec. 3.' (same in L.D. 85)

Further amend said Bill by striking out all of the amending clause and headnote of section 3 and inserting in place thereof the following (same in L.D. 85):

'Sec. 4. R. S., T. 38, §§325 - 328, additional. Title 38 of the Revised Statutes is amended by adding 4 new sections, to read as follows:'

Further amend said Bill by inserting before the emergency clause the following new sections:

§326. Violation of rules and regulations

Whoever violates any of the rules and regulations or any notices posted by the Park and Recreation Commission in conformity with this subchapter or who willfully mutilates, defaces or destroys any monument or marker lawfully erected within the borders of said public facilities shall be punished by a fine of not more than \$50 and costs or by imprisonment for not more than 30 days, or by both.

§327. District and Superior Courts have concurrent jurisdiction

The District Court and the Superior Court shall have concurrent jurisdiction in all prosecutions under any provision of this chapter. Any person arrested as a violator of said chapter may be taken before the District Court in the division where the offense was committed, or in any adjoining division. Jurisdiction in such cases is granted to the District Court to be exercised in the same manner as if the offense had been committed in that division.

§328. Real estate acquired subject to Mill Act

All real estate acquired under this subchapter shall be and remain subject to flowage under the Mill Act, so called, or under any special charter heretofore or hereafter granted by this State, notwithstanding title thereto may be in the State.'

Reported by the Committee on Industrial and Recreational Development.

Reproduced and distributed under the direction of the Clerk of the House.

(Filing No. H-70)

3/14/67