

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
104th LEGISLATURE

HOUSE AMENDMENT "A" to S. P. 338, I. D. 1136, Bill, "AN ACT Providing for a State Pilotage System for the Penobscot Bay and River, Maine."

Amend said Bill by striking out all of the amending clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 38, §§85 - 105, additional. Title 38 of the Revised Statutes is amended by adding 21 new sections to be numbered 85 to 105, to read as follows:'

Further amend said Bill by striking out the underlined word and figures "sections 85 to 108" wherever they appear in sections 85 to 89 and inserting in place thereof the underlined word and figures 'sections 85 to 105'

Further amend said Bill by striking out in paragraphs B and D of subsection 1 of that part designated "§90" the underlined word and figures "sections 85 to 108" and inserting in place thereof the underlined word and figures 'sections 85 to 105'

Further amend said Bill in that part designated "§90" by striking out all of paragraphs H, I and J of subsection 1 and inserting in place thereof the following:

'H. Select only such number of pilots, not to exceed 12 in number, as would be necessary to permit adequate pilotage in these waters;

(Over)
(Filing No. H-518)

I. To do all other things reasonable, necessary and expedient to insure proper and safe pilotage and to facilitate the efficient administration of sections 85 to 105.'

Further amend said Bill by striking out in the 2nd line of that part designated "§97" the underlined figure "108" and inserting in place thereof the underlined figure '105'

Further amend said Bill by striking out all of that part designated "§98" and "§99"

Further amend said Bill by renumbering that part designated "§100" to be section '§98'

Further amend said Bill by striking out all of that part designated "§101" and inserting in place thereof the following:

'§99. Grounds for disciplinary action

The board may suspend any pilot for any period that it may deem proper, and may suspend, revoke or annul any pilot's license which shall be issued under sections 85 to 105, upon satisfactory proof that such pilot has willfully disobeyed or violated any of the provisions of sections 85 to 105 or any rule or regulation established by the commission; or such pilot has negligently lost or damaged any vessel under his care; or such pilot is so addicted to the habits of intoxication as to be unfit to be entrusted with the charge of a vessel; or the pilot is so mentally or physically incapable as to be unfit to carry on the duties of a pilot.'

Further amend said Bill by striking out all of that part designated "§102"

(Filing No. H. 518)

Further amend said Bill by striking out all of that part designated "§103" and inserting in place thereof the following:

'§100. Notice of hearing on complaint, suspension or revocation

Before any person shall be proceeded against on any complaint, and before any pilot shall be removed or suspended, such person or pilot shall be notified in writing to appear before the commission. Such notice shall specify the nature and substance of such complaint and shall be served personally or by certified mail addressed to such pilot at his last and usual place of abode at least 15 days before the time fixed in the notice, for his appearance.'

Further amend said Bill by renumbering those sections designated "§104" and "§105" to be sections '§101' and '§102'

Further amend said Bill by striking out all of those sections designated "§106" and "§107" and "§108" and inserting in place thereof the following:

'§103. Lapsed

Any pilot heretofore licensed by the board whose license shall lapse for any reason may be reinstated upon compliance with sections 91 and 93.

§104. Appeals from commission

Any person aggrieved by any order or decision of said commission with respect to any disciplinary action or any application for, or denial of, a pilot's license may, within 30 days after the notice of the filing of such order or decision, appeal therefrom to the Administrative Hearing Commissioner as designated by Title 5, chapters 301 to 307 by presenting a copy of such order or decision, certified by the secretary

(Filing No. H-518)

of said commission, to said Administrative Hearing Commissioner. The Administrative Hearing Commissioner shall fix a time and place for hearing thereon.

The commission shall submit to the Administrative Hearing Commissioner the printed record of the hearing, certified by the secretary of the commission. The Administrative Hearing Commissioner shall enter his findings and decree sustaining, revising or modifying such order or decision of said commission in such manner and to such extent as he determines.

All appeals from the decision of the Hearing Commissioner shall be in accordance with Title 5, chapter 307.

§105. Pilots currently serving

All pilots serving as of the effective date of sections 85 to 105 shall be entitled to continue to serve as long as they comply with the rules and regulations as previously set forth in sections 85 to 105.'

Further amend said Bill by adding at the end the following:

'Sec. 2. R. S., T. 5, §2301, sub-§1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by inserting before the 5th paragraph from the end, the following paragraph:

Penobscot Bay and River Pilotage Commission.'

Filed by Mr. Dennett of Kittery.

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

(Filing No. H-518)

6/11/69