

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 295

S. P. 116

In Senate, January 21, 1971

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Hoffses of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Aids to Navigation and Regulatory Markers and
Removal of Hazards for Safe Passage of Watercraft.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the following legislation is vitally necessary to provide for the safety during the use of the state's waters by the inhabitants of Maine and its summer visitors in the summer of 1971 and is vital to the economy of the State; and

Whereas, the safety of the users of the state's waters are in jeopardy when navigational aids placed by the State on the waters are moved, defaced or destroyed; and

Whereas, providing for the removal of hazards when economically feasible rather than placing navigational aids will reduce the continued placement and maintenance of specific aids; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 38, § 321, amended. Section 321 of Title 38 of the Revised Statutes, as amended by section 1 of chapter 103 of the public laws of 1967, is further amended by adding at the end the following paragraphs:

The Director of Parks and Recreation may make rules for the uniform marking of the water areas of this State 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 in conflict with the marking system prescribed by the Director of Parks and Recreation.

The Director of Parks and Recreation shall remove, within the funds available, hazards to boating when, in his opinion, removal of the hazard or obstacle is necessary for the safe passage of watercraft. The Maine State Park and Recreation Commission, its authorized agents and employees, in carrying out the purpose of this paragraph, may enter upon any lands, waters and premises in the State for the purpose of removing hazards or obstacles as it may deem necessary or convenient in the discharge of its duties, and such entry shall not be deemed a trespass.

Sec. 2. R. S., T. 38, § 323, amended. The 2nd paragraph of section 323 of Title 38 of the Revised Statutes, as enacted by chapter 173 of the public laws of 1965, is repealed.

Sec. 3. R. S., T. 38, § 329, additional. Title 38 of the Revised Statutes is amended by adding a new section 329, to read as follows:

§ 329. Penalties

The marking of waters contrary to the rules established by the Director of Parks and Recreation shall constitute a misdemeanor.

Whoever moors a vessel, boat, scow or raft to any buoy, beacon or permanent structure placed by the State in any navigable waters or in any manner makes fast thereto 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.

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 punished by a fine of not more than \$100 and costs or by imprisonment for not more than 3 months, or by both.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this legislation is reflected in the emergency preamble.