

# MAINE STATE LEGISLATURE

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D. OF R.

1

L.D. 2313

2

(Filing No. S-478 )

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STATE OF MAINE

4

SENATE

5

112TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 926, L.D.

8

2313, Bill, "AN ACT to Clarify the Authority of Harbor

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Masters."

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Amend the bill in section 1 in that part designated "§1." by striking out all of the last underlined sentence and inserting in its place the following: 'The municipal officers may prohibit a harbor master from making arrest or carrying a weapon. Any law enforcement officer vested with the authority to carry a weapon and make arrests shall have the authority to enforce the provisions of this subchapter.'

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Further amend the bill in section 2 in that part designated "§7." by inserting at the end 2 new paragraphs to read:

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'A municipal ordinance which addresses the assignment of mooring privileges must provide and reserve a minimum number of moorings for nonresidents which shall be a number not less than 10% of the number provided for residents. When the number of resident moorings is less than 10, but more than 5, at least one nonresident mooring shall be provided. When the number of resident moorings is 5 or less, nonresident moorings need not be required. The period of issuance for resident and nonresident moorings shall be the same. Subsequent to that period, the municipality shall make any resident or nonresident moorings not granted during the issuance period available to residents or nonresidents.'

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All existing municipal ordinances dealing with the subjects of this section currently in effect and operation on the effective date of this section are declared to be valid and shall continue in effect un-

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COMMITTEE AMENDMENT " A " to S.P. 926, L.D. 2313

1 til rescinded, amended or changed according to munic-  
2 ipal ordinance.

3 Further amend the bill by inserting after section  
4 2 the following:

5 'Sec. 3. Study order. The Department of Conser-  
6 vation shall conduct a study concerning all local and  
7 statewide issues raised by this bill. The department  
8 shall consult with and seek the advice of the follow-  
9 ing organizations or parties:

- 10 1. The Department of Inland Fisheries and Wild-  
11 life;
- 12 2. The Department of Environmental Protection;
- 13 3. The Department of Marine Resources;
- 14 4. The Maine Municipal Association;
- 15 5. The Maine Harbor Master Association;
- 16 6. The United States Army Corp. of Engineers;
- 17 7. The Environmental Protection Agency;
- 18 8. The United States Coast Guard;
- 19 9. The Maine Marine Industries Association;
- 20 10. The Marine Resources Advisory Council;
- 21 11. Private boating interests, both resident and  
22 nonresident; and
- 23 12. The Department of the Attorney General.

24 The study shall cover all major points of view  
25 expressed by those organizations or parties and how  
26 they were reconciled in reaching the study's conclu-  
27 sions. Agencies disagreeing with the recommended leg-

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COMMITTEE AMENDMENT "A " to S.P. 926, L.D. 2313

1 islation shall be invited by the Department of Con-  
2 servation to submit minority reports and legislation.  
3 The study with supporting legislation shall be re-  
4 ported to the Legislature by January 1, 1987.

5 Sec. 4. Repeal. All sections of this Act shall  
6 be repealed on April 1, 1987.'

7 STATEMENT OF FACT

8 This amendment corrects section 1 of the original  
9 bill to reflect the change in the Maine Revised Stat-  
10 utes, Title 38, section 1, which was made earlier in  
11 this session by Public Law 1985, chapter 531.

12 This amendment adds to section 2 of the bill pro-  
13 visions which prohibit discrimination against nonres-  
14 idents by requiring a minimum percentage of moorings  
15 to be reserved for nonresidents. The language  
16 parallels that used in the Maine Revised Statutes,  
17 Title 12, section 6671, which governs the allocation  
18 among residents and nonresidents of licenses to take  
19 another limited public resource, shellfish.

20 It also adds to section 2 a provision validating  
21 current municipal harbor control ordinances. It is  
22 the intent to temporarily reverse the Superior Court  
23 decision or the South Freeport Maine v. Town of  
24 Freeport, No. CL-85-1001 until April 1, 1987, in or-  
25 der to give the Legislature time to study this mat-  
26 ter.

27 Section 3 of the amendment requires that a study  
28 of the statewide issues raised by this bill, by the  
29 court case and by the applicable laws involving the  
30 Bureau of Public Lands be conducted by the Department  
31 of Conservation as the department with the greatest  
32 interest through its Bureau of Public Lands and De-  
33 partment of Parks and Recreation.

