

# MAINE STATE LEGISLATURE

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L.D. 1974

(Filing No. H-571 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1463, L.D. 1974,  
Bill, "AN ACT to Strengthen Boating Safety  
Enforcement."

Amend the bill by striking out all of the title  
and inserting in its place the following:

'AN ACT to Strengthen Enforcement of  
Marine Resources and Boating Safety Laws.'

Further amend the bill by striking out everything  
after the enacting clause and inserting in its place  
the following:

'Sec. 1. 12 MRSA §6133 is enacted to read:

§6133. Inspection of documents and watercraft

1. Inspection powers. Marine patrol officers may stop and board any watercraft at any time to inspect its documents, licenses and permits of the occupants of the watercraft and to conduct a safety inspection.

2. Rules. The commissioner shall adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, which:

A. Specify safety requirements for watercraft subject to inspection. Requirements may be

1 incorporated by reference to other state or  
2 federal watercraft safety laws, rules or  
3 regulations; and

4 B. Define the procedure for a safety inspection.

5 3. Failure to submit to inspection. Failure of  
6 an owner, operator or occupant of watercraft to submit  
7 to the inspection authorized by this section is a  
8 Class E crime and shall be grounds for the suspension,  
9 pursuant to chapter 617, of licenses issued under this  
10 Part to the person failing to submit.

11 **Sec. 2.** 12 MRSA §6306, sub-§1, as enacted by PL  
12 1977, c. 661, §5, is repealed and the following  
13 enacted in its place:

14 1. Consent to inspection. Any person who signs  
15 an application for a license or receives a license  
16 under this Part has a duty to submit to inspection and  
17 search for violations related to the licensed  
18 activities by a marine patrol officer under the  
19 following conditions.

20 A. Watercraft or vehicles and the equipment  
21 located on watercraft or vehicles which are used  
22 primarily in a trade or business requiring a  
23 license under this Part may be searched or  
24 inspected at any time.

25 B. Any other location where activities subject to  
26 this Part are conducted may be inspected or  
27 searched during the hours when those activities  
28 occur.

29 C. A location specified in paragraph B may be  
30 inspected at any time if a marine patrol officer  
31 has a reasonable suspicion of a violation of this  
32 Part.

33 D. No residential dwelling may be searched  
34 without a search warrant unless otherwise allowed  
35 by law.

36 2. Seizure of evidence. Any person who signs an  
37 application for a license or receives a license under  
38 this Part has a duty to permit seizure of evidence of  
39 a

COMMITTEE AMENDMENT "A" to R.P. 1463, L.D. 1974

1 violation of marine resources laws found during an  
2 inspection or search.

3 STATEMENT OF FACT

4 This amendment clarifies the authority of the  
5 Department of Marine Resources to conduct watercraft  
6 safety inspections and to search and inspect for  
7 violations of marine resources laws. This amendment  
8 does not limit the authority of marine patrol officers  
9 to search for or seize contraband in situations where  
10 the search or seizure is otherwise permitted by law.

11

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Reported by the Majority of the Committee on Marine Resources  
Reproduced and distributed under the direction of the Clerk of the  
House

3/31/88

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