

# MAINE STATE LEGISLATURE

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L.D. 1974

(Filing No. H-572 )

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

7 COMMITTEE AMENDMENT "B" to H.P. 1463, L.D. 1974,  
8 Bill, "AN ACT to Strengthen Boating Safety  
9 Enforcement."

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

12 'AN ACT Relating to Marine Patrol Officers'  
13 Authority for Warrantless Search and Inspection.'

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

17 Sec. 1. 12 MRSa §6133 is enacted to read:

18 §6133. Inspection of documents and watercraft

19 1. Inspection powers. Marine patrol officers may  
20 stop and board any watercraft at any time to inspect  
21 its documents, to inspect the licenses and permits of  
22 the occupants of the watercraft and to conduct a  
23 safety inspection to verify compliance with the  
24 watercraft safety requirements contained in the rules  
25 of the Department of Inland Fisheries and Wildlife.

26 2. Failure to submit to inspection. Failure of  
27 an owner, operator or occupant of watercraft to submit

1 to the inspection authorized by this section is a  
2 Class E crime and shall be grounds for the suspension,  
3 pursuant to chapter 617, of licenses issued under this  
4 Part to the person failing to submit.

5 **Sec. 2. 12 MRSA §6306, sub-§1, as enacted by PL**  
6 **1977, c. 661, §5, is repealed and the following**  
7 **enacted in its place:**

8 **1. Consent to inspection. Any person who signs**  
9 **an application for a license or receives a license**  
10 **under this Part has a duty to submit to inspection and**  
11 **search by a marine patrol officer under the following**  
12 **conditions.**

13 **A. Except as provided in paragraph D, watercraft**  
14 **or vehicles, and the equipment located on**  
15 **watercraft or vehicles, which are used primarily**  
16 **in a trade or business requiring a license under**  
17 **this Part, may be searched or inspected while**  
18 **engaged in licensed activities.**

19 **B. Any other location where activities subject to**  
20 **this Part are conducted may be inspected or**  
21 **searched during the hours when those activities**  
22 **occur.**

23 **C. A location specified in paragraph B may be**  
24 **inspected at any time if a marine patrol officer**  
25 **has a reasonable suspicion of a violation of this**  
26 **Part.**

27 **D. No residential dwelling or living quarters**  
28 **aboard a watercraft may be searched without a**  
29 **search warrant unless otherwise allowed by law.**

30 **2. Seizure of evidence. Any person who signs an**  
31 **application for a license or receives a license under**  
32 **this Part has a duty to permit seizure of evidence of**  
33 **a violation of marine resource laws found during an**  
34 **inspection or search.**

