

# MAINE STATE LEGISLATURE

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1 authorized to make arrests pursuant to Title 38,  
2 chapter 1, subchapter I, relevant to their duties as  
3 harbor masters.

4       **Sec. 2.** 38 MRSA §1, first ¶, as repealed  
5 and replaced by PL 1987, c. 412, §§1 and 8, is amended  
6 to read:

7       The municipal officers of a town, on request by  
8 any person desiring mooring privileges or regulation  
9 of mooring privileges for boats or vessels, shall  
10 appoint a harbor master for a term of not less than  
11 one year, who shall be subject to all the duties and  
12 liabilities of that office as prescribed by state law  
13 and regulations adopted by the municipal officers and  
14 municipal ordinances. If the harbor master refuses  
15 to perform these duties, he commits a civil violation  
16 for which a forfeiture of \$25 shall be adjudged, for  
17 the benefit of the town, for each intentional neglect  
18 or refusal to attend to the duties. The municipal  
19 officers may establish his the harbor master's  
20 compensation and, for cause by them declared in  
21 writing, after due notice to the officer and hearing,  
22 if requested, remove him and appoint another in his  
23 stead the harbor master and appoint another one.

24       **Sec. 3.** 38 MRSA §3, as repealed and replaced by  
25 PL 1987, c. 412, §§3 and 8, is amended by adding after  
26 the 2nd paragraph a new paragraph to read:

27       A harbor master may refuse to assign mooring  
28 privileges to any vessel or boat owner or master who  
29 has not paid any fee, charge for services, forfeiture  
30 or penalty levied pursuant to this subchapter.

31       **Sec. 4.** 38 MRSA §4-A is enacted to read:

32       §4-A. Removal of fishing gear

33       A harbor master may cause the removal of any  
34 fishing gear which impedes navigation in a channel or  
35 mooring area. If the owner fails to remove that gear  
36 as directed by the harbor master or if ownership

1 cannot be determined, the harbor master may remove  
2 that gear and shall charge \$100, to be paid by the  
3 owner of the gear, which charge the harbor master may  
4 collect by civil action.

5       **Sec. 5. 38 MRSA §5, first ¶, as repealed and**  
6 **replaced by PL 1987, c. 412, §§5 and 8, is amended to**  
7 **read:**

8       A harbor master, upon receiving complaint to him  
9 by from the master, owner or agent of any vessel,  
10 shall cause any other vessel or vessels obstructing  
11 the free movement or safe anchorage of that vessel to  
12 remove to a position to be designated by him the  
13 harbor master and to cause, without any complaint  
14 being made to him the harbor master, any vessels  
15 anchoring within the channel lines as established by  
16 the municipal authorities, as provided in section 2,  
17 to remove to such anchorage as he the harbor master  
18 may designate. Whoever neglects or refuses to obey  
19 the orders of the harbor master is guilty of a Class E  
20 crime.

21       **Sec. 6. 38 MRSA §10, as enacted by PL 1987, c.**  
22 **412, §§7 and 8, is amended to read:**

23 §10. Harbor master liability

24       In addition to the immunities from liability and  
25 the limitations and defenses provided under the Maine  
26 Tort Claims Act, Title 14, sections 8103, 8111 and  
27 8112, a harbor master who, in the performance of  
28 his statutory duties as set forth in sections 4, 4-A  
29 and 5, causes any damage to property or any injury to  
30 a person shall not be liable for damage or injury,  
31 unless the damage or injury is a direct result of the  
32 gross negligence, recklessness or intentional  
33 misconduct of the harbor master.

34       **Sec. 7. 38 MRSA §12 is enacted to read:**

35 §12. Violation of subchapter

36 Whoever neglects or refuses to obey any lawful  
37 order of a harbor master authorized pursuant to this

1 subchapter commits a Class E crime.

2 STATEMENT OF FACT

3 This bill clarifies the authority of harbor  
4 masters by deleting archaic language concerning  
5 penalties for neglect of duty; ensuring that harbor  
6 masters authorized to make arrests receive proper  
7 training relevant to their duties at the Maine  
8 Criminal Justice Academy; enacting an enforcement  
9 mechanism to allow denial of mooring privileges to  
10 boat owners who have not paid fees or forfeitures  
11 levied against them; authorizing harbor masters to  
12 remove fishing gear which impedes navigation; and  
13 providing that refusal to obey an order of a harbor  
14 master is a Class E crime.

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