

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2231

S.P. 855 In Senate, February 10, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 26.
Reference to the Committee on Marine Resources suggested
and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator TUTTLE of York.

Cosponsored by Representative MITCHELL of Freeport,
Senator CAHILL of Sagadahoc, Representative LOOK of Jonesboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT Expanding the Role of
the Bureau of Marine Patrol.

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

6 Sec. 1. 12 MRS §6029 is enacted to read:

1 §6029. Search and rescue operations

2 1. Search and rescue. The Bureau of Marine
3 Patrol shall provide search and rescue services along
4 the coastal waters of the State. The bureau shall
5 provide maximum search and rescue efforts for the
6 period from Memorial Day to Labor Day.

7 2. Training. All marine patrol officers shall
8 receive training in the following areas:

9 A. General search and rescue techniques and
10 methods;

11 B. Rescue procedures to be used off highly
12 populated surf beaches;

13 C. Investigation techniques;

14 D. Instruction on the use and operation of:

15 (1) Life rafts;

16 (2) Powerboats;

17 (3) Sailboats;

18 (4) Row boats;

19 (5) Surf mats;

20 (6) Paddleboards;

21 (7) Surfboards; and

22 (8) Sailboards; and

23 E. Observation techniques, including
24 identification of floating objects and marine
25 animals.

26 3. Prevention. The bureau shall inventory and
27 review boating, swimming and other recreational areas
28 along the coast to identify potential safety hazards
29 and accident sites. When appropriate, the

1 bureau may require or suggest that safety precautions
2 or measures be undertaken at those areas. The
3 commissioner shall promulgate rules in accordance with
4 the Maine Administrative Procedure Act, Title 5,
5 chapter 375, to allow the bureau:

6 A. To regulate the use of power boats operating
7 on or near the surf line less than 200 yards
8 offshore; and

9 B. To remove or require the removal of debris or
10 equipment posing safety or navigational hazards.

11 4. Landmark catalog. The bureau shall develop
12 and maintain a catalog of clearly identifiable onshore
13 landmarks along the coastline. The landmarks shall be
14 selected and cataloged in order that they may serve as
15 points of reference in search or rescue operations.

16 5. Equipment. The commissioner shall ensure that
17 any marine patrol officer involved in a search or
18 rescue operation has access to:

19 A. Scuba gear;

20 B. An inflatable rescue boat; and

21 C. Such other equipment as the commissioner
22 determines necessary for search and rescue
23 operations.

24 Sec. 2. 36 MRSA §2903-A, as amended by PL 1985,
25 c. 481, Pt. A, §81, is further amended to read:

26 §2903-A. Finding of fact

27 The Legislature makes a finding of fact that the
28 percentage relationship of "gasoline tax" paid by that
29 segment of the nonhighway gasoline user, the motorboat
30 user, is not less than 1.25% of the total "gasoline
31 tax" revenue, but certainly is more than the 1.25%
32 referred to. Based on this legislative "finding of
33 fact", there is set aside 1.25% of the total excise
34 tax on internal combustion engine fuel sold or used

1 within the State, but not including internal
2 combustion engine fuel sold for use in the propulsion
3 of aircraft. From this 1.25% allocation shall be
4 deducted the refunds paid out under section 2908 to
5 purchasers and users of internal combustion engine
6 fuel for commercial motorboats; 20% of the balance of
7 1.25% after paying out such refunds shall be paid to
8 the Treasurer of State to be made available to the
9 Commissioner of Marine Resources for the purpose of
10 conducting research, development and propagation
11 activities by the department, and it is the
12 responsibility of the Commissioner of Marine Resources
13 to select activities and projects that will be most
14 beneficial to the commercial fisheries of the State as
15 well as the development of sports fisheries activities
16 in the State; 30% of the balance of 1.25% after paying
17 out such refunds shall be paid to the Treasurer of
18 State to be made available to the Commissioner of
19 Marine Resources for the search and rescue
20 responsibilities of the Bureau of Marine Patrol; and
21 the remaining 80% 50% of the balance of 1.25% after
22 paying out such refunds shall be credited to the
23 Boating Facilities Fund, established under Title 38,
24 section 322, within the Maine State Bureau of Parks
25 and Recreation. The State Tax Assessor shall certify
26 to the State Controller, on or before by the 15th
27 day of each month, the amounts to be credited under
28 the previous sentence, as of the close of the State
29 Controller's records for the previous month. When
30 refunds paid to purchasers and users of internal
31 combustion engine fuel for commercial motorboats in
32 any month exceed 1.25% of gasoline tax revenues for
33 that month, such excess shall be carried forward in
34 computing amounts to be credited to the Department of
35 Marine Resources and to the Boating Facilities Fund
36 under this section for the succeeding month or
37 months. Funds credited to the Department of Marine
38 Resources shall be allocated by the joint standing
39 committee of the Legislature having jurisdiction over
40 appropriations and financial affairs.

41 **Sec. 3. Report.** The Bureau of Marine Patrol
42 shall submit a report, together with any necessary
43 implementing legislation, to the Legislature by
44 January 31, 1990. Included in the report shall be an

1 assessment of the search and rescue operations of the
2 bureau, including the adequacy of the funding and
3 staffing of the bureau to carry out those operations
4 and the attendant training of marine patrol officers.
5 The report shall also include, but is not limited to,
6 an analysis of the use of aircraft by the bureau for
7 search and rescue operations.

8 Allocation. The following funds are allocated
9 from Other Special Revenue to carry out the purposes
10 of this Act.

11		<u>1988-89</u>
12	<u>MARINE RESOURCES,</u>	
13	<u>DEPARTMENT OF</u>	
14	Bureau of Marine Patrol	
15	Positions	(3)
16	Personal Services	\$102,150
17	All Other	78,700
18	Capital Expenditures	<u>78,300</u>
19	Total	\$259,150

20 Provides funds for 3
21 marine patrol officers
22 and general operating
23 expenses to carry out
24 this Act.

25		<u>1988-89</u>
26	<u>CONSERVATION,</u>	
27	<u>DEPARTMENT OF</u>	
28	Boating Facilities Fund	
29	All Other	(\$259,150)
30	This deallocation	
31	transfers funds from	
32	the Boating Facilities	
33	Fund to the Bureau of	
34	Marine Patrol.	

1 FISCAL NOTE

2 This legislation results in an increase in
3 dedicated revenue to the Department of Marine
4 Resources in the amount of \$259,150 for fiscal year
5 1988-89 and a loss of revenue to the Department of
6 Conservation from the Boating Facilities Fund in the
7 amount of \$259,150 for fiscal year 1988-89. The
8 revenue effects result from the proposed change in the
9 percentage of the 1.25% gas tax paid by nonhighway
10 gasoline users which is divided between the Department
11 of Conservation and the Department of Marine Resources.

12 STATEMENT OF FACT

13 The purpose of this bill is to expand the
14 functions of the Bureau of Marine Patrol so marine
15 patrol officers will be adequately trained and
16 authorized to carry out search and rescue operations
17 along the coastline. Along the coast, there is no
18 single agency to carry out search and rescue
19 operations, whereas in the inland areas, fish and game
20 wardens would provide such services. Under this bill,
21 the role of the bureau to undertake such operations
22 along the coast is clearly outlined. The bill
23 requires the bureau to make a report to the
24 Legislature by January 31, 1990, assessing the search
25 and rescue operations.

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