

MAINE STATE LEGISLATURE

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1 may make rules for the uniform marking of the water
2 areas of this State not otherwise regulated, through
3 the placement of aids to navigation and regulatory
4 markers. No city, county or person shall mark the
5 waters of this State in any manner in conflict with
6 the marking system prescribed by the Director of the
7 Bureau-of-Parks-and-Recreation.

8 Sec. 2. 38 MRSA §321, as amended by PL 1973, c.
9 460, §19, is further amended by adding at the end 3
10 new paragraphs to read:

11 If the Bureau of Parks and Recreation, after
12 written request from the governing body of any city or
13 town either declines to mark a waterway or is unable
14 to mark a waterway, then the governing body of the
15 city or town may mark hazards to boating on waterways
16 within its jurisdiction. The Bureau of Parks and
17 Recreation shall be deemed to have declined to mark a
18 particular waterway if the bureau does not respond to
19 a request within a reasonable period of time.

20 Any city or town which undertakes the marking of
21 hazards to boating shall not be required to follow the
22 rules of uniform marking promulgated by the bureau.

23 The Bureau of Parks and Recreation may at any time
24 reverse a decision not to mark a certain waterway or
25 portion of that waterway and replace any existing
26 markings in accordance with the rules of uniform
27 marking promulgated by the bureau.

28 Sec. 3. 38 MRSA §329, first ¶, as repealed and
29 replaced by PL 1977, c. 696, §341, is repealed.

1 STATEMENT OF FACT

2 This bill provides that when the Bureau of Parks
3 and Recreation declines or is unable to mark a
4 waterway, the governing body of any city or town may
5 mark hazards to boating on waterways. The bureau may
6 at any time reverse its decision and then replace any
7 existing markings. The bill also removes the current
8 penalty for marking contrary to the bureau's rules.

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