

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 35

H.P. 35

House of Representatives, January 30, 1989

Reported by Representative COLES for the Study Commission on Coastal Search and Rescue pursuant to Public Law 1987, chapter 814.

Reference to the Joint Standing Committee on Appropriations and Financial Affairs suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT Dealing with Coastal Search and Rescue.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 6 MRSA §303, sub-§§2 and 3,** as enacted by PL 1981, c.
41, are amended to read:

5
7 **2. Situations covered.** The commissioner shall establish and
maintain a state air search and rescue plan for the immediate
9 handling of the following emergency situations arising from
aeronautical activities:

11 A. Locating aircraft believed lost and down within the
State; and

13
15 B. Locating persons who are believed lost and down in the
State as a result of accidents involving aircraft overflying
the State or parachute jumps.

17
19 For purposes of this section, the phrases "within the State" and
"in the State" include the coastal waters of the State as defined
in Title 12, section 6001.

21
23 **3. Plan of action.** The state air search and rescue plan
shall provide a plan of action for search and rescue which will
mobilize all state agencies which can contribute in those
25 emergencies and inform all state agencies which request to be
informed of any air search operation, in accordance with
27 agreements reached in advance and which relies upon the Maine
Wing Civil Air Patrol to coordinate and control specific air
29 search operations. The plan shall provide that its first
objective shall be saving human life and rendering prompt aid to
31 survivors.

33 **Sec. 2. 6 MRSA §303, sub-§4, ¶C,** as enacted by PL 1985, c. 610,
is amended to read:

35
37 C. The Director of the Division of Aeronautics shall
communicate and coordinate with state agencies who have
agreed to offer mutual support in implementing the
39 cooperative action plan for air search and rescue, when the
assistance is needed in searching for missing persons. The
41 director shall immediately inform the Bureau of Marine
Patrol of any aircraft which are believed lost over coastal
43 waters of the State and keep the bureau apprised of the
progress of the search for that aircraft.

45
47 **Sec. 3. 12 MRSA §6029,** as enacted by PL 1987, c. 814, §1, is
repealed and the following enacted in its place:

49 **§6029. Search and rescue operations**

51 The Department of Marine Resources may provide search and
rescue services in the coastal waters of the State and shall be

1 the responsible state agency for those services, except when they
2 involve lost or downed aircraft. The department shall develop a
3 formal plan for those activities and designate one person within
4 the department as coordinator of search and rescue to work with
5 other search and rescue agencies, both governmental and private.
6 The department shall attempt to establish and train regional
7 volunteer organizations to assist with search and rescue and
8 include them in plans and joint training exercises as appropriate.

9
10 **Sec. 4. 12 MRSA §7794, sub-§4, ¶A,** as amended by PL 1985, c.
11 579, §§4 and 7, is repealed and the following enacted in its
12 place:

13 A. Watercraft requiring or requesting certification of
14 number shall be charged fees as follows based on overall
15 length to the nearest foot:

- 16
17 (1) Less than 16 feet, \$ 4;
18 (2) 16 feet or over but less than 26 feet, \$ 6;
19 (3) 26 feet or over but less than 41 feet, \$10;
20 (4) 41 feet or over but less than 66 feet, \$12; or
21 (5) 66 feet and over, \$14.

22
23 **Sec. 5. 36 MRSA §2903-A,** as amended by PL 1987, c. 579, §§4
24 and 7, is further amended to read:

25
26 **§2903 A. Finding of fact**

27
28 The Legislature makes a finding of fact that the percentage
29 relationship of "gasoline tax" paid by that segment of the
30 nonhighway gasoline user, the motorboat user, is not less than
31 2.00% of the total "gasoline tax" revenue. Based on this
32 legislative "finding of fact" there is set aside 2.00% of the
33 total excise tax, not to exceed \$2,000,000, on internal
34 combustion engine fuel sold or used within the State, but not
35 including internal combustion engine fuel sold for use in the
36 propulsion of aircraft. From this 2.00% allocation shall be
37 deducted the refunds paid out under section 2908 to purchasers
38 and users of internal combustion engine fuel for commercial
39 motorboats; 20% of the balance of 2.00% after paying out such
40 refunds shall be paid to the Treasurer of State to be made
41 available to the Commissioner of Marine Resources for the purpose
42 of conducting research, development and propagation activities by
43 the department, and it is the responsibility of the Commissioner
44 of Marine Resources to select activities and projects that will
45 be most beneficial to the commercial fisheries of the State as
46 well as the development of sports fisheries activities in the
47 State; the remaining 80% of the balance of 2.00% after paying out
48 such refunds shall be credited to the Boating Facilities Fund,
49 established under Title 38, section 322, within the Maine State
50 Bureau of Parks and Recreation. The State Tax Assessor shall

1 certify to the State Controller, on or before the 15th day of
3 each month, the amounts to be credited under the previous
5 sentence, as of the close of the State Controller's records for
7 the previous month. When refunds paid to purchasers and users of
9 internal combustion engine fuel for commercial motorboats in any
11 month exceed 2.00% of gasoline tax revenues for that month, such
13 excess shall be carried forward in computing amounts to be
15 credited to the Department of Marine Resources and to the Boating
17 Facilities Fund under this section for the succeeding month or
19 months. Funds credited to the Department of Marine Resources
21 shall be allocated by the joint standing committee of the
23 Legislature having jurisdiction over appropriations and financial
25 affairs. The Bureau of Parks and Recreation, the Department of
Marine Resources, the Department of Inland Fisheries and Wildlife
and the Department of Transportation shall devise and agree to a
system for determining the percentage of the gasoline tax and
diesel fuel tax that results from fuel purchases for boating uses
and whether those uses are for pleasure or commerce and for salt
or fresh water boating. The Bureau of Parks and Recreation shall
assure that proper records are kept to provide input for this
system. Beginning February 1, 1990 and every 3 years thereafter
on February 1st, the Bureau of Parks and Recreation shall issue
to the joint standing committee of the Legislature having
jurisdiction over taxation a report based on an analysis of data
according to this section. The Boating Facilities Fund shall be
used to fund the costs of this activity.

27 Sec. 6. 37-B MRSA c. 13, sub-c. V is enacted to read:

29 SUBCHAPTER V

31 SEARCH AND RESCUE

33 §850. Search and rescue plan

35 The Director of the Maine Emergency Management Agency shall
37 prepare a state search and rescue plan encompassing all such
39 activities including land, sea and air searches for persons,
41 boats and airplanes. In the preparation of this plan, the
43 director shall review such individual agency plans as currently
45 exist, seek the advice and counsel of all currently designated
47 federal and state search and rescue agencies and obtain their
49 approval of the final plan. This plan shall be completed no
51 later than June 30, 1990. All other search and rescue agencies
shall cooperate with the agency in preparation of this plan.
Responsibility for execution of the plan shall be with the
individual state agencies which have responsibility for the area
being searched or for lost or downed aircraft, as appropriate.
These agencies shall follow all the provisions of the approved
plan.

53 This plan shall be reviewed and updated as necessary. The
director shall see that the plan and its revisions receive

1 suitable dissemination on a timely basis. Individual agencies
2 shall submit revisions of their search and rescue plans to the
3 director for comment and incorporation into the agency's
4 statewide plan.

5

6 **Sec. 7. 38 MRSA §321**, as amended by PL 1987, c. 674, §1, is
7 further amended by adding at the end a new paragraph to read:

8 The director shall conduct the periodic studies of the
9 State's gasoline tax as specified in Title 36, section 2903-A.
10 The director shall seek the advise of the Department of Inland
11 Fisheries and Wildlife, the Department of Marine Resources and
12 the Department of Transportation relative to these studies and
13 these departments shall cooperate in the design and conduct of
14 these studies.

15
16 **Sec. 8. Appropriation.** The following funds are appropriated
17 from the General Fund to carry out the purposes of this Act.

18

19 **1989-90** **1990-91**

20

21 **MARINE RESOURCES, DEPARTMENT OF**

22

23 **Bureau of Marine Patrol**

24

25	Positions	(15)	(15)
26	Personal Services	\$434,626	\$579,501
27	All Other	112,500	150,000
28	Capital Expenditures	238,750	

29

30 Provides funds for 15 Marine
31 Patrol Officer positions, 15
32 vehicles, a patrol boat, a
33 25% match for an additional
34 patrol boat and general
35 operating expenses to perform
36 anticipated coastal search
37 and rescue services.

38

39 **DEPARTMENT OF MARINE RESOURCES** _____
40 **TOTAL** **\$785,876** **\$729,501**

41
42 **Sec. 9. Allocation.** The following funds are allocated from
43 Other Special Revenue to carry out the purposes of this Act.

44

45 **1989-90** **1990-91**

46

47 **MARINE RESOURCES, DEPARTMENT OF**

48

49 **Watercraft Fund**

50
51

1 1990-91. This allocation would provide funds for the purchase of
2 patrol boats to assist in coastal search and rescue activities.

3

4. An allocation from the Boating Facilities Fund to the
5 Department of Conservation in the amount of \$30,000 for fiscal
6 year 1989-90.

7

9

STATEMENT OF FACT

11 Section 1 clarifies that the responsibility of the
12 Department of Transportation in searching for lost aircraft
13 extends to the coastal waters of the State, which are defined as
14 waters up to 3 miles offshore.

15

16 Section 2 requires that state agencies, which so request, be
17 informed of searches for lost aircraft; specifically requires
18 that the Bureau of Marine Patrol be informed of searches for lost
19 aircraft over coastal water; and places the responsibility for
20 informing the Bureau of Marine Patrol with the Director of the
21 Division of Aeronautics.

23

24 Section 3 makes the Department of Marine Resources the state
25 agency responsible for all coastal search and rescue except that
26 involving lost aircraft. Currently, that department has the
27 authority, but not the responsibility, for such activity. It is
28 not clear currently what state agency or agencies have that
29 responsibility. This section also requires the department to
30 attempt to set up a network of qualified, volunteer search and
31 rescue organizations along the coast similar to the current
32 Eastern Casco Bay Search and Rescue Organization.

33

34 Section 4 provides for an increase in boating registration
35 fees graduated by size of the boat. Boats under 16 feet would
36 receive no increase. To accommodate departmental registration
37 procedures, this section will not take effect until January 1,
38 1990.

39

40 Section 5 requires the Bureau of Parks and Recreation to
41 conduct a study every 3 years to ascertain the percent of the
42 State's gasoline tax that is attributable to boating usage. This
43 percentage is used in determining the portion of that tax which
44 goes to the Boating Facilities Fund and the Department of Marine
45 Resources. This study would be funded from the Boating
46 Facilities Fund.

47

48 Section 6 directs the Maine Emergency Management Agency to
49 develop a master plan for all state search and rescue
50 activities. This plan is to be developed with the cooperation,
51 advice and counsel of all agencies involved and their approval of
52 the final plan is to be obtained. It is the intent of this

1 legislation that this agency not have a role in the
implementation of this plan.

3

5 In sections 7 to 10 additional watercraft required to
support these responsibilities are to be funded by an increase in
boating registration fees. Funding for the remainder of the
7 activities specified in this section is to come from the General
Fund. To the extent that this may not be possible, funding is to
9 come from increased sales tax on boats.