

MAINE STATE LEGISLATURE

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L.D. 84

(Filing No. S-309)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 84, L.D. 84, Bill, "An Act to Amend the Laws Governing the Operation of a Watercraft While Under the Influence"

Amend the bill in section 5 in that part designated "§7912." in subsection 9 in the last line (page 9, line 2 in L.D.) by inserting after the following: 'Fund' the following: 'or from dedicated revenues of the Department of Inland Fisheries and Wildlife when a law enforcement officer of the Department of Inland Fisheries and Wildlife authorizes the chemical tests. The Department of Marine Resources shall pay for chemical tests authorized by marine patrol officers with funds available within that department'

Further amend the bill in section 5 in that part designated "§7912." by inserting after subsection 11 the following:

'12. Aid in enforcement among municipalities. Except as otherwise prohibited by municipal charter or ordinance, municipalities may, in the manner provided by Title 30-A, section 2674, enter into agreements regarding mutual aid in enforcing laws governing the operation of a watercraft while under the influence.'

Further amend the bill by inserting after section 9 the following:

'Sec. 10. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90 1990-91

**MARINE RESOURCES,
DEPARTMENT OF**

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Bureau of Marine Patrol

All Other \$2,000 \$3,000

Provides funds for anticipated breath test kits, blood test kits and required laboratory analyses.

Sec. 11. Allocation. The following funds are allocated from funds dedicated to the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

1989-90 1990-91

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

**Enforcement Operations -
Inland Fisheries and Wildlife**

All Other \$5,550 \$6,750

Provides funds for anticipated breath test kits, blood test kits and required analyses. In addition, this allocation provides funds for anticipated classroom costs and travel expenses associated with the training for the required breath alcohol test.

FISCAL NOTE

This bill will:

1. Require a General Fund appropriation to the Department of Marine Resources, Bureau of Marine Patrol, in the amount of \$2,000 for fiscal year 1989-90 and \$3,000 for fiscal year 1990-91. This appropriation will provide funds for anticipated blood test kits, breath test kits and required laboratory analyses;

2. Require an allocation of dedicated revenue to the Department of Inland Fisheries and Wildlife, Enforcement Operation, Inland Fisheries and Wildlife, in the amount of \$5,550

COMMITTEE AMENDMENT " A" to S.P. 84, L.D. 84

1 for fiscal year 1989-90 and \$6,750 for fiscal year 1990-91. This
2 appropriation will provide funds for blood test kits, breath test
3 kits and laboratory analyses as well as for anticipated classroom
4 costs associated with the training for required breath alcohol
5 tests;

7 3. Require no additional personnel for the Department of
8 Marine Resources and the Department of Inland Fisheries and
9 Wildlife. These departments will absorb any additional
10 enforcement-related costs utilizing existing resources; and

11 4. Result in the Judicial Department absorbing all costs
12 associated with the potential for additional court cases by
13 utilizing existing resources. Also, the Judicial Department has
14 indicated that this bill will result in increases in revenue from
15 the collection of fines in the following amounts:

	1989-90	1990-91
Inland Fisheries and Wildlife	\$3,227	\$11,000
Jail Surcharge Fund	\$ 450	\$ 1,500'

23 **STATEMENT OF FACT**

25 The amendment provides that payment of persons authorized to
26 perform a chemical test on one suspected of operating a
27 watercraft while under the influence shall come from the
28 dedicated funds of the Department of Inland Fisheries and
29 Wildlife, when a game warden has authorized the test and from
30 funds of the Department of Marine Resources when a marine patrol
31 officer has authorized the test. This change reflects the fact
32 that, under current law, the Maine Revised Statutes, Title 12,
33 section 7800 and section 7910, subsection 6, fines, penalties and
34 costs collected for violation of watercraft laws are shared by
35 the Department of Inland Fisheries and Wildlife and the
36 Department of Marine Resources.

37
38 The amendment allows towns to enter into agreements, in the
39 manner provided for by Title 30-A, section 2674, regarding
40 provision of mutual aid in enforcing laws governing watercraft
41 operating under the influence.

42 The amendment also adds a fiscal note.

43
44 Reported by Senator Matthews for the Committee on Legal Affairs.
45 Reproduced and Distributed Pursuant to Senate Rule 12.
(6/16/89) (Filing NO. S-309)