

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 918

H.P. 670

House of Representatives, March 23, 1989

Reported by Representative McGOWAN for the Study Commission on Coastal Search & 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.

Ed Pert

EDWIN H. PERT, Clerk

STATE OF MAINE

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

An Act to Make the Department of Marine Resources Responsible for
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.
5 41, are amended to read:

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

15 **A.** Locating aircraft believed lost and down within the
17 State; and

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

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

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

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

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

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
53 rescue services in the coastal waters of the State and shall be
the responsible state agency for those services, except when they

1 involve lost or downed aircraft. The department shall develop a
3 formal plan for those activities and designate one person within
5 the department as coordinator of search and rescue to work with
7 other search and rescue agencies, both governmental and private.
9 The department shall attempt to establish and train regional
11 volunteer organizations to assist with search and rescue and
13 include them in plans and joint training exercises as appropriate.

9 **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**
13 **place:**

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

17 (1) Less than 16 feet, \$4;

19 (2) 16 feet or over but less than 26 feet, \$6;

21 (3) 26 feet or over but less than 41 feet, \$10;

23 (4) 41 feet or over but less than 66 feet, \$12; or

25 (5) 66 feet and over, \$14.

27 **Sec. 5. 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
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
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 that 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.

51 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
3 shall submit revisions of their search and rescue plans to the
5 director for comment and incorporation into the agency's
7 statewide plan.

FISCAL NOTE

9 If enacted this bill would result in:

11 1. A General Fund appropriation to the Department of Marine
13 Resources, Bureau of Marine Patrol, in the amount of \$785,876 for
15 fiscal year 1989-90 and \$729,501 for fiscal year 1990-91;

17 2. An increase in the dedicated revenue to the Department
19 of Inland Fisheries and Wildlife in the amount of \$52,500 in
21 fiscal year 1989-90 and \$70,000 for fiscal year 1990-91, and an
increase in Other Special Revenue to the Department of Marine
Resources in the amount of \$26,250 for fiscal year 1989-90 and
\$35,000 for fiscal year 1990-91. These increases in revenue
would be derived from the proposed restructuring of the
watercraft registration fees;

23 3. An allocation to the Department of Marine Resources
25 (Watercraft Fund) in the amount of \$26,250 for fiscal year
27 1989-90 and \$35,000 for fiscal year 1990-91. This allocation
would provide funds for the purchase of patrol boats to assist in
coastal search and rescue activities; and

29 4. It should be understood that funding for this bill has
31 been provided in separate legislation entitled "An Act to Fund
33 the Law Enforcement and Search and Rescue Activities of the
Department of Marine Resources."

STATEMENT OF FACT

37 Section 1 of the bill clarifies that the responsibility of
39 the Department of Transportation in searching for lost aircraft
41 extends to the coastal waters of the State which are defined as
waters up to 3 miles offshore.

43 Section 2 requires that state agencies which so request be
45 informed of searches for lost aircraft, specifically requires
47 that the Bureau of Marine Patrol be informed of searches for lost
aircraft over coastal water, and places the responsibility for
informing the Bureau of Marine Patrol with the Director of the
Division of Aeronautics.

49 Section 3 makes the Department of Marine Resources the state
51 agency responsible for all coastal search and rescue except that
involving lost aircraft. Currently, that department has the

1 authority but not the responsibility for such activity. It is
2 not clear currently what state agency or agencies have that
3 responsibility. This section also requires the department to
4 attempt to set up a network of qualified volunteer search and
5 rescue organizations along the coast similar to the current
6 Eastern Casco Bay Search and Rescue Organization.
7

8 Section 4 provides for an increase in boating registration
9 fees graduated by size of the boat. Boats under 16 feet would
10 receive no increase. To accommodate departmental registration
11 procedures, this section will not take effect until January 1,
12 1990.
13

14 Section 5 directs the Maine Emergency Management Agency to
15 develop a master plan for all state search and rescue
16 activities. This plan is to be developed with the cooperation,
17 advice and counsel of all agencies involved and their approval of
18 the final plan is to be obtained. It is the intent of this bill
19 that this agency not have a role in the implementation of this
20 plan.
21

22 Funding for this bill is provided in a separate bill
23 entitled "An Act to Fund the Law Enforcement and Search and
24 Rescue Activities of the Department of Marine Resources."
25