

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1234

S.P. 458

In Senate, March 21, 1991

Submitted by the Department of Marine Resources pursuant to Joint Rule 24.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator VOSE of Washington

Cosponsored by Senator GOULD of Waldo and Representative LOOK of Jonesboro.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Allow Right of Entry for Department of Marine Resources  
Personnel.**

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

4 **12 MRSA §6172, sub-§1-A is enacted to read:**

6 **1-A. Right of inspection and entry.** The commissioner may  
8 authorize employees of the department to enter any property at  
10 reasonable hours or enter any building with the consent of the  
12 property owner, occupant or agent or pursuant to an  
14 administrative search warrant, in order to inspect the property,  
16 take samples and conduct tests as appropriate to determine  
18 compliance with any laws administered by the department or the  
20 terms and conditions of any order, rule, approval or decision of  
22 the commissioner.

16 **STATEMENT OF FACT**

18 Under law, Department of Marine Resources personnel must  
20 have the authority to cross private land in order to gain access  
22 to the shore for the purposes of collecting water quality samples  
24 and completing shoreline surveys. Because of increasing problems  
26 with public access and the threat of a violation of trespass laws  
while executing a duty, this bill allows right of entry for  
Department of Marine Resources personnel under specified  
conditions.