

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1290

H.P. 893

House of Representatives, March 27, 1991

Reference to the Committee on Marine Resources suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative ANTHONY of South Portland.

Cosponsored by Senator HOLLOWAY of Lincoln and Representative CONSTANTINE of Bar Harbor.

STATE OF MAINE

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

**An Act to Restore Criminal Sanctions for Failure to Obey Lawful Orders
of Harbormasters.**



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

4 Sec. 1. 38 MRSA §12, as repealed and replaced by PL 1989, c.
287, §5, is amended to read:

6 **§12. Violation of subchapter**

8 ~~Notwithstanding any provision in this subchapter~~ Except as
10 provided in section 13, a violation of this subchapter or any
harbor ordinance may be prosecuted and relief, fees, fines and
12 penalties granted and assessed pursuant to the provisions of
Title 30-A, section 4452.

14 Sec. 2. 38 MRSA §13 is enacted to read:

16 **§13. Failure to obey orders of harbormasters**

18 1. Offense defined. A person is guilty of failure to obey
20 an order of a harbormaster if the person intentionally, knowingly
or recklessly fails to obey any lawful order of a harbormaster
authorized pursuant to this subchapter.

22 2. Penalty. Failure to obey an order of a harbormaster is
24 a Class E crime.

26
28 **STATEMENT OF FACT**

30 This bill conforms the law on coastal harbormasters to that
32 pertaining to the orders of harbormasters on inland waters in the
Maine Revised Statutes, Title 12, section 7803. Most violations
34 of a harbor ordinance will remain civil but whatever deterrent
value a civil violation might have is insufficient for an
36 individual who deliberately refuses to obey specific, lawful
orders of the harbormaster. This bill makes such conduct subject
38 to criminal penalties as it was in 1989.