

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

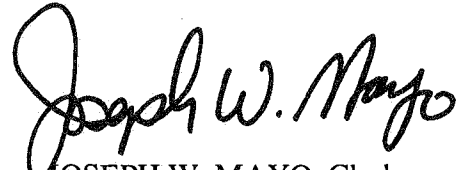
No. 1519

H.P. 1082

House of Representatives, March 13, 1997

An Act to Strengthen Maine's Search and Rescue Capabilities.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: CHARTRAND of Rockland, DAVIDSON of Brunswick, DUNLAP of Old
Town, PAUL of Sanford, TRIPP of Topsham, Senators: MICHAUD of Penobscot, PINGREE
of Knox.

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

2
3 **Sec. 1. 5 MRSA §12004-G, sub-§27-B** is enacted to read:

4 **27-B.** Search and Not 12 MRSA
6 Marine Rescue Fund Authorized §6029-A
7 Resources Oversight
8 Committee

10 **Sec. 2. 12 MRSA §6029-A** is enacted to read:

12 **§6029-A. Search and Rescue Fund**

14 **1. Fund established; required deposits.** The Search and
15 Rescue Fund, referred to in this section as the "fund," is
16 established. Revenue generated from the surcharge imposed on a
17 license issued by the Department of Marine Resources in section
18 6304, subsection 3; on a snowmobile registration in section 7824;
19 and on an all-terrain vehicle registration in section 7854 must
20 be deposited in the fund. Money recovered under subsection 4
21 must be deposited in the fund. The fund does not lapse but
22 carries forward from year to year.

24 **2. Management.** The Search and Rescue Fund Oversight
25 Committee, established in Title 5, section 12004-G, subsection
26 27-B and referred to in this section as the "committee," manages
27 and oversees the fund. The committee consists of 4 members: a
28 representative of the Department of Marine Resources and a public
29 member appointed by the Commissioner of Marine Resources and a
30 representative of the Department of Inland Fisheries and Wildlife
31 and a public member appointed by the Commissioner of Inland
32 Fisheries and Wildlife.

34 **3. Use of fund.** The fund may be used to provide funding
35 for the following:

36 **A.** Search and rescue activities of the Department of Inland
37 Fisheries and Wildlife and the Department of Marine
38 Resources;

39 **B.** The search and rescue coordinator required by section
40 6029, who shall work with the Department of Inland Fisheries
41 and Wildlife and the Department of Marine Resources;

42 **C.** Educational programs for both commercial and
43 recreational users of the woodlands, inland waters and
44 coastal waters of this State; and

45 **D.** Development of a marine patrol dive team for search and
46 rescue and recovery purposes.

2 **4. False information; recovery of cost of services.** The
3 Department of Inland Fisheries and Wildlife or the Department of
4 Marine Resources may recover the cost of providing search and
5 rescue services from a person who intentionally gives or causes
6 to be given false or misleading information that causes an
7 unnecessary search and rescue effort or prolongs an ongoing
8 search and rescue effort. The Department of Inland Fisheries and
9 Wildlife or the Department of Marine Resources may bring a civil
10 action to recover the cost of providing these services and may
11 recover the cost of bringing the civil action, including a
12 reasonable attorney's fee.

14 **Sec. 3. 12 MRSA §6304, sub-§3** is enacted to read:

16 **3. Search and rescue surcharge.** A surcharge of \$1 must be
17 added to the fee for the issuance of any license by the
18 department. The revenue generated by this surcharge must be
19 deposited in the Search and Rescue Fund established in section
20 6029-A.

22 **Sec. 4. 12 MRSA §7824, sub-§2**, as amended by PL 1995, c. 467,
23 §3, is further amended to read:

24 **2. Fee.** The annual snowmobile registration fee is as
25 follows:

28 A. For residents, \$20 ~~\$21~~. The registration for a
29 snowmobile owned by a resident is valid for one year,
30 commencing on July 1st of each year; and

32 B. For nonresidents:

34 (1) ~~Thirty-five~~ Thirty-six dollars for a 3-consecutive
35 day registration. A person may purchase more than one
36 3-day registration in any season;

38 (2) ~~Fifty~~ Fifty-one dollars for a 10-consecutive day
39 registration. A person may purchase more than one
40 10-day registration in any season; and

42 (3) ~~Sixty~~ Sixty-one dollars for a seasonal
43 registration.

44 The registration for a snowmobile owned by a nonresident
45 must specify the dates for which the registration is valid.

48 **Sec. 5. 12 MRSA §7824, sub-§3, ¶¶ A and B**, as amended by PL
1995, c. 502, Pt. E, §30, are further amended to read:

2 A. The registration fee for residents is credited as
4 follows:

6 (1) \$4.75 of each fee is credited to the General Fund
as undedicated revenue;

8 (2) \$9.25 of each fee is credited to the Snowmobile
10 Trail Fund of the Department of Conservation, Bureau of
Parks and Lands; and

12 (3) \$6 of each fee is annually distributed to the
14 municipality of the owner's residence as shown on the
owner's registration certificate, except that in
16 unorganized territory, \$6 of each fee is annually
distributed to the county of the owner's residence as
18 shown on the owner's registration certificate and
credited to the unorganized territory fund of that
20 county established in Title 30-A, section 7502, ; and

22 (4) \$1 of each fee is credited to the Search and
Rescue Fund established in section 6029-A.

24 B. The registration fee for nonresidents is credited as
26 follows.

28 (1) Fifteen dollars of each fee is credited to the
General Fund as undedicated revenue and \$1 of each fee
is credited to the Search and Rescue Fund established
30 in section 6029-A.

32 (2) The remainder is credited to the Snowmobile Trail
Fund of the Department of Conservation, Bureau of Parks
34 and Lands.

36 **Sec. 6. 12 MRSA §7854, sub-§3**, as amended by PL 1985, c. 762,
§8, is further amended to read:

38 **3. Fee.** The annual registration fee for an ATV is ~~\$12~~ \$13.

40 **Sec. 7. 12 MRSA §7854, sub-§4, ¶A**, as repealed and replaced by
42 PL 1989, c. 918, Pt. D, §11, is amended to read:

44 A. Revenues received under this subchapter are credited as
undedicated revenue to the General Fund except that at least
46 \$3.85 of each annual registration fee is credited to the ATV
Recreational Management Fund of the Department of
48 Conservation and \$1 of each annual registration fee is
credited to the Search and Rescue Fund established in
50 section 6029-A.

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SUMMARY

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6 This bill establishes the Search and Rescue Fund to fund
7 search and rescue activities of the Department of Inland
8 Fisheries and Wildlife and the Department of Marine Resources.
9 The revenue generated from a \$1 surcharge on licenses sold by the
10 Department of Marine Resources and on all-terrain vehicle and
11 snowmobile registrations must be deposited in the fund. The fund
12 is managed and overseen by a committee consisting of
13 representatives of the Department of Inland Fisheries and
14 Wildlife and the Department of Marine Resources and public
15 members. The bill allows the Department of Inland Fisheries and
16 Wildlife and the Department of Marine Resources to recover the
17 cost of providing search and rescue services from a person who
18 intentionally gives false or misleading information that causes
an unnecessary search and rescue effort or prolongs an ongoing
search and rescue effort.