

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1680

DATE: 4.1.04

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MARINE RESOURCES

Reported by:

MINORITY

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 612, L.D. 1680, Bill, "An Act To Establish Harbor Master Standards and Course Requirements"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 38 MRSA §1-A is enacted to read:

§1-A. Harbor master training

A person may not serve as a harbor master unless that person meets the requirements of this section.

1. Definition. For purposes of this section, "harbor master" means a person appointed by a municipality pursuant to section 1 or Title 12, section 13072.

2. Training courses. The Department of Marine Resources in consultation with the Department of Inland Fisheries and Wildlife, the Maine Criminal Justice Academy and a statewide harbor masters' association shall develop a basic harbor master training course and a recertification training course no later than January 1, 2005.

3. Certification requirements. A person may not serve as a harbor master unless that person is certified by the Maine Criminal Justice Academy as having successfully completed a basic harbor master training course developed under this section within one year of January 1, 2005 or within one year of that person's

COMMITTEE AMENDMENT

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2 appointment as a harbor master. A certified harbor master must
3 successfully complete a recertification course every 3 years from
4 the date of that person's original certification.

6 4. Other training requirements. This section may not be
7 construed to limit or replace any other provision of law.

8 5. Rules. The Department of Marine Resources may adopt
9 rules necessary for the administration of this section. Rules
10 adopted pursuant to this subsection are routine technical rules
11 as defined in Title 5, chapter 375, subchapter 2-A.

12 6. Municipal authority. A municipality may establish harbor
13 master training requirements in addition to those required in
14 this section unless the municipality's requirements conflict with
15 the purposes of this section.

16 7. Training fees and associated costs. A municipality at
17 its sole discretion may reimburse a person seeking certification
18 or recertification under this section for training fees or other
19 costs associated with certification or recertification. Nothing
20 in this section may be construed to impose the costs associated
21 with certification or recertification of a harbor master on a
22 municipality.

23 **Sec. 2. Appropriations and allocations.** The following
24 appropriations and allocations are made.

25 **MARINE RESOURCES, DEPARTMENT OF**

26 **Bureau of Marine Patrol 0029**

27 Initiative: Appropriates funds for overtime costs that will be
28 incurred to develop a harbor masters training course.

29 General Fund	2003-04	2004-05
30 Personal Services	\$0	\$5,000
31	<hr/>	<hr/>
32 General Fund Total	\$0	\$5,000

33 **SUMMARY**

34 This amendment is the minority report and replaces the
35 bill. The amendment prohibits a person from serving as a harbor
36 master unless that person has been certified by the Maine
37 Criminal Justice Academy as having completed a basic harbor
38 master training course within one year of January 1, 2005 or one
39 year after that person has been appointed a harbor master. The
40 amendment also requires a certified harbor master to become

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2 recertified every 3 years. The amendment directs the Department
of Marine Resources in consultation with the Department of Inland
4 Fisheries and Wildlife and the Maine Criminal Justice Academy and
a statewide harbor masters' association to develop the basic and
6 recertification harbor master training courses by January 1, 2005.

8

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1680

An Act To Establish Harbor Master Standards and Course Requirements

LR 2279(02)

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Current Cost - State Mandate

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings)				
General Fund	\$0	\$5,000	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$5,000	\$0	\$0

State Mandate

New or Expanded Activity

The requirement that a municipality can not employ a harbor master who has not been certified may necessitate municipal expenditures other than training costs. These may include going through the hiring process to hire someone who is certified or finding a way to accomodate the harbor master functions while a harbor master is being trained. Although the costs are not expected to be significant, this represents a state mandate pursuant to the Constitution of Maine.

Unit Affected	Costs
Municipality	Insignificant

Fiscal Detail and Notes

The Department of Marine Resources will incur additional expenses to develop a basic harbor master training course and will require a one-time General Fund appropriation of \$5,000 in fiscal year 2004-05.

The Maine Criminal Justice Academy within the Department of Public Safety can absorb the costs of offering a harbor master training course within existing budgeted resources.