

MAINE STATE LEGISLATURE

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R.01

L.D. 1689

DATE: 1-29-04

(Filing No. S-364)

MARINE RESOURCES

Reported by:

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**STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1689, Bill, "An Act To Provide Reciprocal Authority to New Hampshire Marine Patrol Officers To Investigate Potential Terrorist Activities in Maine Waters"

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, New Hampshire grants Maine marine patrol officers the authority to enter New Hampshire waters of the Piscataqua River and Portsmouth Harbor to help secure New Hampshire from possible terrorist activities; and

Whereas, New Hampshire marine patrol officers must be able to work cooperatively with Maine marine patrol officers in Maine waters of the Piscataqua River and Portsmouth Harbor to help secure Maine from possible terrorist activities; and

Whereas, New Hampshire marine patrol officers currently have no authority to aid Maine marine patrol officers in the investigation and prevention of possible terrorist activities in Maine waters of the Piscataqua River and Portsmouth Harbor; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1689

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2 necessary for the preservation of the public peace, health and safety; now, therefore,'

4 Further amend the bill in section 1 in that part designated "§6025-A." in the first paragraph in the 2nd line from the end (page 1, line 16 in L.D.) by inserting after the following: "privileges" the following: 'and immunities'

8 Further amend the bill in section 1 in that part designated "§6025-A." in the first paragraph in the last line (page 1, line 17 in L.D.) by inserting after the following: "privileges" the following: 'and immunities'

14 Further amend the bill in section 1 in that part designated "§6025-A." by inserting at the end the following indented paragraph:

18 'The commissioner shall immediately notify the Secretary of State of New Hampshire if this section is repealed or amended to significantly alter its application.'

22 Further amend the bill by striking out all of section 2 (page 1, lines 19 to 26 in L.D.) and inserting in its place the following:

26 '**Sec. 2. Contingent repeal date; reciprocal legislation.** This Act is repealed if the Maine Commissioner of Marine Resources certifies to the Secretary of State and submits a copy of that certification to the Office of the Revisor of Statutes that the State of New Hampshire has repealed the New Hampshire Revised Statutes Annotated, Title XXII, chapter 270, section 270:12-e or amended that section so that it is no longer substantially the same as the Maine Revised Statutes, Title 12, section 6025-A as enacted in this Act.

36 **Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.'

40 SUMMARY

42 This amendment adds an emergency measure and clarifies that when New Hampshire marine patrol officers are investigating potential terrorist activities in Maine waters of the Piscataqua River or Portsmouth Harbor those officers are entitled to the same immunities granted to Maine marine patrol officers. The amendment contains a conditional repealer that takes effect if New Hampshire repeals its reciprocal statutory language. Finally, the amendment requires the Commissioner of Marine

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COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1689

Resources to notify the Secretary of State of New Hampshire if this section of law is repealed or amended to significantly alter its application.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

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



LD 1689

**An Act To Provide Reciprocal Authority to New Hampshire Marine
Patrol Officers To Investigate Potential Terrorist Activities in Maine
Waters**

LR 2614(02)

Fiscal Note for Bill as Amended by Committee Amendment ""

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund