

MAINE STATE LEGISLATURE

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Majority

L.D. 1697

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DATE: 2-9-06

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MARINE RESOURCES

Reported by: *Majority*

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**STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION**

18
20 COMMITTEE AMENDMENT "A" to S.P. 651, L.D. 1697, Bill, "An
Act Regarding the Appointment of Harbor Masters"

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

26 'Sec. 1. 12 MRSA §10402, sub-§1, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

28
30 1. **Watercraft laws.** All harbor masters, except those harbor
32 masters whose authority is restricted as described in section
34 13072 or Title 38, section 1, have the same powers and duties as
game wardens to enforce chapter 935 and any other provision of
this Part regulating watercraft.

36 Sec. 2. 12 MRSA §13072, sub-§1, as affected by PL 2003, c.
614, §9 and amended by c. 627, §4, is further amended to read:

38 1. **Appointment; compensation.** The municipal officers of a
40 town ~~bordering-an~~ that borders or contains inland waterway waters
42 but does not border or contain territorial waters may appoint a
44 harbor master for a term of not less than one year and may
46 establish the harbor master's compensation. Except as provided
48 in subsection 2-A, the harbor master is subject to all the duties
and liabilities of that office as prescribed by state law,
municipal ordinances and rules promulgated by the municipality.
The municipal officers may remove the harbor master from office
for cause, declared in writing, after due notice to the harbor
master and a hearing, if requested.

50 ~~The municipal officers may prohibit a harbor master from making
an arrest or carrying a weapon. A harbor master who is not~~

COMMITTEE AMENDMENT

103

COMMITTEE AMENDMENT "A" to S.P. 651, L.D. 1697

~~prohibited from making arrests may arrest and deliver to the law enforcement authorities on shore any person committing an assault upon the harbor master or another person acting under the harbor master's authority.~~

For purposes of this subsection, "territorial waters" has the same meaning as provided in section 600L, subsection 48-B.

Sec. 3. 12 MRSA §13072, sub-§§4 and 5 are enacted to read:

4. Power to arrest for assault. The municipal officers may prohibit a harbor master from making an arrest or carrying a weapon. A harbor master who is not prohibited from making arrests may arrest and deliver to the law enforcement authorities on shore any person committing an assault upon the harbor master or another person acting under the harbor master's authority. A harbor master may not make arrests or carry a firearm unless the harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I.

5. Mooring sites. The regulation of moorings in inland waters is governed by Title 38, except that Title 38 may not be construed to require the municipal officers of a town that does not border or contain territorial waters to appoint a harbor master upon the request of a person desiring mooring privileges or the regulation of mooring privileges. Nothing in this subsection limits or expands a municipality's authority to regulate moorings under Title 38 or as otherwise provided in law.

Sec. 4. 38 MRSA §1, as amended by PL 1999, c. 682, §6, is further amended to read:

§1. Appointment; compensation

The municipal officers of a town that borders or contains territorial waters, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall appoint a harbor master for a term of not less than one year, who is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers, municipal harbor commissioners, municipal port authorities or other such bodies empowered to regulate municipal harbors. The municipal officers may establish the harbor master's compensation and, for cause by them declared in writing, after due notice to the officer and hearing, if requested, remove the harbor master and appoint another one.

2 The municipal officers may prohibit a harbor master from
making arrests or carrying a weapon. A harbor master may not
4 make arrests or carry a firearm unless the harbor master has
successfully completed the training requirements prescribed in
6 Title 25, section 2804-I. Any law enforcement officer vested
with the authority to carry a weapon and make arrests has the
authority to enforce this subchapter.

8
10 For purposes of this section, "territorial waters" has the
same meaning as provided in Title 12, section 6001, subsection
48-B.'

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14 **SUMMARY**

16 This amendment is the majority report of the committee.
This amendment corrects an incomplete cross reference and
clarifies that:

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20 1. Appointment of a harbor master by municipal officers of
a town that borders or contains inland waters but does not border
or contain territorial waters is discretionary;

22
24 2. Municipal authorities may set the compensation for
harbor masters appointed under the Maine Revised Statutes, Title
12 which is consistent with harbor master provisions under Title
26 38;

28
30 3. An inland harbor master may not make arrests or carry a
firearm unless that harbor master has successfully completed the
training requirements prescribed in Title 25, section 2804-I; and

32
34 4. Regulation of moorings in inland waters is governed by
the provisions of Title 38; the provision in Title 12 referencing
the applicability of Title 38 to moorings in inland waters does
not limit or expand a municipality's ability to regulate moorings
36 as currently provided in law.