

MAINE STATE LEGISLATURE

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208

Minority

L.D. 1697

DATE: 2-9-06

(Filing No. S-448)

MARINE RESOURCES

Reported by: Minority

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

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

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

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:

1. Watercraft laws. All harbor masters, except those harbor masters whose authority is restricted as described in section 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.

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:

1. Appointment; compensation. The municipal officers of a town bordering an inland waterway ~~may appoint waters, on request by any person desiring mooring privileges or regulation of mooring privileges for watercraft,~~ shall appoint a harbor master for a term of not less than one year and may establish the harbor master's compensation. Except as provided 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.

COMMITTEE AMENDMENT

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

2 The municipal officers may prohibit a harbor master from making
an arrest or carrying a weapon. A harbor master who is not
4 prohibited from making arrests may arrest and deliver to the law
enforcement authorities on shore any person committing an assault
6 upon the harbor master or another person acting under the harbor
master's authority.'

8
10 **SUMMARY**

12 This amendment is the minority report and requires the
municipal officers of a town bordering inland waters, on request
14 by any person desiring mooring privileges or regulation of
mooring privileges for watercraft, to appoint a harbor master.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1697

LR 2709(03)

An Act Regarding the Appointment of Harbor Masters

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

Committee: Marine Resources

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Current Cost - State Mandate

State Mandate

New or Expanded Activity

Requiring the appointment and maintenance of a harbor master by municipal officers of a town upon a single person's request is a state mandate pursuant to the Maine constitution. Compensation and administrative expenses could be significant.

Unit Affected

Municipality

Costs

Significant