

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1022

S.P. 339

March 6, 2007

An Act To Amend the Laws Pertaining to the Removal of Submerged Vehicles

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NASS of York.

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

Sec. 1. 17 MRSA §2267-A, sub-§3, as amended by PL 2001, c. 536, §3, is further amended to read:

3. Owner legally liable to remove vehicle, snowmobile or motorboat. The owner of the vehicle is legally liable to remove any motor vehicle submerged or partially submerged in the waters of the State and pay any damages resulting from the submersion or removal. The vehicle must be removed within ~~30 days~~ 48 hours of the submersion or partial submersion or ~~within 30 days of "ice out" in the body of water~~ as soon as safety and weather conditions permit unless the commissioner determines that the vehicle creates a health or safety hazard. If the commissioner determines that the vehicle creates a health or safety hazard the commissioner shall order the owner to remove the vehicle immediately. If the owner fails to remove the vehicle upon order of the commissioner, the commissioner shall, in writing, request the court to direct the owner to remove the vehicle immediately. The owner of a snowmobile or motorboat that is submerged in the inland waters of this State for longer than 24 hours shall remove the snowmobile or motorboat in accordance with this subsection.

Sec. 2. 17 MRSA §2267-A, sub-§3-A is enacted to read:

3-A. Removal by State. If the owner refuses or fails to remove a submerged vehicle, snowmobile or motorboat as required by subsection 3, the department may contract for the removal of the vehicle, snowmobile or motorboat. The owner of the submerged vehicle, snowmobile or motorboat is strictly liable for the costs of removing the vehicle, snowmobile or motorboat and the costs of the investigation, containment, cleanup, removal and corrective measures associated with any discharge of pollutants from the vehicle, snowmobile or motorboat. The cost may be recoverable by the State in an action of debt brought by the Attorney General. The State shall impound any submerged vehicle, snowmobile or motorboat recovered under this section, at the expense of the owner, until all costs incurred by the State have been paid by the owner of the vehicle, snowmobile or motorboat.

Sec. 3. 17 MRSA §2267-A, sub-§5, as amended by PL 2001, c. 536, §3, is further amended to read:

5. Penalties. A violation of this section is a civil violation for which a ~~forfeiture fine~~ of ~~\$200~~ \$500 may be adjudged for each day the vehicle, snowmobile or motorboat remains in the water. In addition to a ~~forfeiture fine~~, or instead of a ~~forfeiture fine~~, the judge court may direct the person convicted to remove the vehicle, snowmobile or motorboat.

SUMMARY

This bill strengthens the laws concerning submerged motor vehicles, snowmobiles and motorboats by requiring them to be removed within 48 hours of submersion instead of 30 days, as in current law, safety and weather conditions permitting, and making an owner strictly liable for any removal or clean-up costs if the owner refuses or fails to

1 remove the motor vehicle, snowmobile or motorboat within the time directed. This bill
2 increases the penalty for a submerged motor vehicle, snowmobile or motorboat from
3 \$200 to \$500 for each day the motor vehicle, snowmobile or motorboat is unlawfully
4 submerged.