

MAINE STATE LEGISLATURE

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L.D. 1468

Date: 2/29/16

(Filing No. S- 374)

TRANSPORTATION

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 566, L.D. 1468, Bill, "An Act To Improve the Safety of Ferries in the State"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Improve the Safety of Ferries in the State'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Peer review assessment; operations and safety. Resolved: That the Department of Transportation shall execute a peer review assessment of Maine State Ferry Service processes to evaluate safety procedures and marine operations of the Maine State Ferry Service. For purposes of this resolve, "Maine State Ferry Service" has the same meaning as in the Maine Revised Statutes, Title 23, section 4401. The peer review assessment must include an examination of the recommendations in the report titled "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report," dated April 4, 2008 and written by Safety Management Systems, LLC. The peer review assessment must include, at a minimum, comments relating to:

- 1. Appropriate staffing levels for vessels operated by the Maine State Ferry Service;
- 2. An adequate minimum mandatory training level for each position within the Maine State Ferry Service; and
- 3. Standard operating procedures relating to crew stations and duties while in port and at sea and decisions regarding passengers who fall overboard, firefighting, extreme weather conditions, abandoning ship and other emergency procedures; and be it further

Sec. 2. Operational changes relating to Maine State Ferry Service. Resolved: That, by June 1, 2017, the Department of Transportation shall adopt rules relating to the Maine State Ferry Service in accordance with this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must:

COMMITTEE AMENDMENT

1 1. Require all vessels operating for the Maine State Ferry Service to be outfitted with
 2 a lockbox for medical samples. The rules must provide for the transport of medical
 3 diagnostic samples, including, but not limited to, allowing medical personnel access to
 4 the lockbox;

5 2. Include procedures to modernize customer services, including, but not limited to,
 6 passenger wait lines, slot times and seasonal rates. The procedures must be developed
 7 with the goal of improving customer service and identifying opportunities for increased
 8 revenue; and

9 3. Implement a standardized process to improve training of Maine State Ferry
 10 Service employees. The rules must require that, to the extent it is practicable, vessel crew
 11 training be accomplished before reporting for duty, including, but not limited to,
 12 familiarization with the vessel the crew member will be working on. Vessel crew
 13 training must include, but is not limited to, the location and operation of emergency
 14 equipment and firefighting equipment and vessel-specific procedures, overboard drills
 15 and duty stations in port and at sea. The training may be accomplished by the port
 16 captain except for training that must be accomplished while the vessel is under way.
 17 Training under this subsection must satisfy the applicable federal regulations for ferry
 18 boats and ferry service training protocols; and be it further

19 **Sec. 3. Report. Resolved:** That, no later than February 1, 2017, the Department
 20 of Transportation shall submit a report with the results of the peer review assessment
 21 under section 1 and a progress report on its rules developed pursuant to section 2 to the
 22 joint standing committee of the Legislature having jurisdiction over transportation
 23 matters. The joint standing committee of the Legislature having jurisdiction over
 24 transportation matters may submit a bill to the First Regular Session of the 128th
 25 Legislature related to the reports; and be it further

26 **Sec. 4. Appropriations and allocations. Resolved:** That the following
 27 appropriations and allocations are made.

28 **TRANSPORTATION, DEPARTMENT OF**
 29 **Multimodal - Island Ferry Service Z016**

30 Initiative: Provides allocations to conduct a peer review of the Maine State Ferry Service
 31 and to outfit all Maine State Ferry Service vessels with lockboxes for medical samples.

32	HIGHWAY FUND	2015-16	2016-17
33	Personal Services	\$0	\$5,000
34	All Other	\$0	\$1,500
35			
36	HIGHWAY FUND TOTAL	<u>\$0</u>	<u>\$6,500</u>

37	ISLAND FERRY SERVICES FUND	2015-16	2016-17
38	Personal Services	\$0	\$5,000
39	All Other	\$0	\$1,500

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ISLAND FERRY SERVICES FUND TOTAL _____ \$0 _____ \$6,500

SUMMARY

This amendment, which replaces the bill with a resolve, strikes from the bill provisions amending the membership of the Maine State Ferry Advisory Board within the Department of Transportation.

The amendment also strikes from the bill the requirement that the Department of Transportation implement recommendations contained in the report titled "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report" and dated April 4, 2008. Instead, the amendment requires the Department of Transportation to execute a peer review assessment of Maine State Ferry Service processes to evaluate safety procedures and marine operations of the Maine State Ferry Service. The amendment requires the Department of Transportation to submit a report with the results of the peer review assessment to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

The amendment revises the provisions in the bill relating to rulemaking. The amendment strikes the requirement that the Department of Transportation adopt rules relating to the Maine State Ferry Service regarding staffing levels and duties, transportation of hazardous materials and standard operating procedures relating to crew stations and duties. The amendment retains the requirement that the Department of Transportation adopt rules relating to the Maine State Ferry Service regarding transportation of medical samples and customer service and adds training to the rule-making requirement. The amendment requires the Department of Transportation to report on the progress of its rulemaking to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



127th MAINE LEGISLATURE

LD 1468

LR 2364(02)

An Act To Improve the Safety of Ferries in the State

Fiscal Note for Bill as Amended by Committee Amendment "A"(S-374)
Committee: Transportation
Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
Highway Fund	\$0	\$6,500	\$0	\$0
Appropriations/Allocations				
Highway Fund	\$0	\$6,500	\$0	\$0
Island Ferry Services Fund	\$0	\$6,500	\$0	\$0

Fiscal Detail and Notes

The bill includes Highway Fund and Island Ferry Services Fund allocations of \$6,500 each to the Department of Transportation in fiscal year 2016-17 only to conduct a peer review of the Maine State Ferry Service (MSFS) and to provide lockboxes for medical samples to vessels operating for the MSFS. Any costs associated with implementing the results of the peer review will be evaluated as part of any subsequent legislation submitted by the Committee.