

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1468

S.P. 566

In Senate, December 18, 2015

### An Act To Improve the Safety of Ferries in the State

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2015. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.

Cosponsored by Representative KINNEY of Limington and

Senators: DIAMOND of Cumberland, LANGLEY of Hancock, President THIBODEAU of Waldo, Representatives: BATTLE of South Portland, BEEBE-CENTER of Rockland, Speaker EVES of North Berwick, KUMIEGA of Deer Isle, McCREIGHT of Harpswell.

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

2 **Sec. 1. 23 MRSA §4302**, as amended by PL 1997, c. 643, Pt. QQ, §2, is further  
3 amended to read:

4 **§4302. Membership**

5 The membership of the board consists of one person from each of the island  
6 municipalities and plantations serviced by the Maine State Ferry System and 3 members  
7 appointed by the Commissioner of Transportation, 2 of whom must have demonstrated  
8 knowledge in maritime matters. The members representing the island municipalities and  
9 plantations ~~shall be~~ are appointed by the municipal officers of the member's municipality  
10 or by the assessors of the member's plantation and all members ~~shall~~ serve a term of  
11 office of 2 years. Each island municipality shall appoint one alternate member to the  
12 board. In the absence of the island's primary representative, its alternate may represent  
13 the island at all board meetings. Vacancies in membership must be filled in the same  
14 manner as the original appointment.

15 **Sec. 2. 23 MRSA §4304**, as amended by PL 1985, c. 253, is further amended by  
16 adding at the end a new paragraph to read:

17 Prior to implementation of a Department of Transportation policy related to the  
18 Maine State Ferry Service, the board shall review the policy to ensure it is consistent with  
19 appropriate maritime procedures.

20 **Sec. 3. Implementation of operational safety assessment report.** The  
21 Department of Transportation shall implement recommendations in the "Maine State  
22 Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report" dated April 4,  
23 2008 and written by Safety Management Systems, LLC. Recommendations identified in  
24 the report as high priority must be implemented as soon as possible after the effective  
25 date of this section, recommendations identified as medium priority must be implemented  
26 within one year of the effective date of this section and recommendations identified as  
27 normal priority must be implemented as time and resources allow. By January 1, 2017,  
28 the Department of Transportation shall report on the progress of implementation of the  
29 actions required under this section to the joint standing committee of the Legislature  
30 having jurisdiction over transportation matters.

31 **Sec. 4. Operational changes relating to Maine State Ferry Service.** By  
32 June 1, 2017, the Department of Transportation shall adopt rules relating to the Maine  
33 State Ferry Service in accordance with this section. For purposes of this section, "Maine  
34 State Ferry Service" has the same meaning as in the Maine Revised Statutes, Title 23,  
35 section 4401. Rules adopted pursuant to this section are routine technical rules as defined  
36 in Title 5, chapter 375, subchapter 2-A. The rules must:

37 **1. Staffing.** Ensure that staffing levels are appropriate for vessels operated for the  
38 Maine State Ferry Service. By September 1, 2016, the department shall review staff  
39 duties and staffing needs and report the results of the review to the Joint Standing  
40 Committee on Transportation;

