

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Marine Resources*

*July 2006*

**Members:**

*Sen. Dennis S. Damon, Chair  
Sen. Nancy B. Sullivan  
Sen. Mary Black Andrews*

*Rep. Leila J. Percy, Chair  
Rep. Walter E. Ash, Jr.  
Rep. Herbert Adams  
Rep. Edward R. Dugay*

*Rep. Jeff Kaelin  
Rep. H. Stedman Seavey, Jr.  
Rep. Philip A. Cressey, Jr.  
Rep. Kenneth C. Fletcher  
Rep. Harold Ian Emery  
Rep. John Eder*

**Staff:**

*Curtis C. Bentley, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular Session

#### Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP.....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

# Joint Standing Committee on Marine Resources

**LD 1697**

**An Act Regarding the Appointment of Harbor Masters**

**PUBLIC 492**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM MAJ	S-447
HAMPER	OTP-AM MIN	

LD 1697 proposed to remove the requirement that municipal officers appoint a harbor master at the request of a single person.

**Committee Amendment "A" (S-447)** proposed to correct an incomplete cross reference and would clarify that:

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;
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 38;
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
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 as currently provided in law.

**Committee Amendment "B" (S-448)** proposed to require the municipal officers of a town bordering inland waters, on request by any person desiring mooring privileges or regulation of mooring privileges for watercraft, to appoint a harbor master.

## *Enacted law summary*

Public Law 2005, chapter 492 provides that:

1. The 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;
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 38;
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
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 as currently provided in law.