

127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1468

S.P. 566

In Senate, December 18, 2015

An Act To Improve the Safety of Ferries in the State

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.

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.

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

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

§4302. Membership

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

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

<u>Prior to implementation of a Department of Transportation policy related to the Maine State Ferry Service, the board shall review the policy to ensure it is consistent with appropriate maritime procedures.</u>

- Sec. 3. Implementation of operational safety assessment report. The Department of Transportation shall implement recommendations in the "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report" dated April 4, 2008 and written by Safety Management Systems, LLC. Recommendations identified in the report as high priority must be implemented as soon as possible after the effective date of this section, recommendations identified as medium priority must be implemented within one year of the effective date of this section and recommendations identified as normal priority must be implemented as time and resources allow. By January 1, 2017, the Department of Transportation shall report on the progress of implementation of the actions required under this section to the joint standing committee of the Legislature having jurisdiction over transportation matters.
- **Sec. 4. Operational changes relating to Maine State Ferry Service.** By June 1, 2017, the Department of Transportation shall adopt rules relating to the Maine State Ferry Service in accordance with this section. For purposes of this section, "Maine State Ferry Service" has the same meaning as in the Maine Revised Statutes, Title 23, section 4401. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must:
- 1. Staffing. Ensure that staffing levels are appropriate for vessels operated for the Maine State Ferry Service. By September 1, 2016, the department shall review staff duties and staffing needs and report the results of the review to the Joint Standing Committee on Transportation;

- **2.** Hazardous material. Establish a delivery schedule for the transportation of hazardous materials that are incompatible with the transportation of passengers. For purposes of this subsection, "hazardous materials" includes, but is not limited to, propane, oil and gasoline. The schedule must provide for deliveries of hazardous materials at least once per week;
- **3. Medical samples.** Require all vessels operating for the Maine State Ferry Service to be outfitted with a lockbox for medical samples. The rules must provide for the transport of medical diagnostic samples, including, but not limited to, allowing medical personnel access to the lockbox;
- **4. Standard operating procedures.** Include standard operating procedures relating to crew stations and duties and decisions regarding overboard passengers, firefighting, extreme weather conditions and abandoning ship. Training related to the standard operating procedures must be provided to vessel staff and must be available for staff to reference at all times; and
- **5. Customer service.** Include procedures to modernize customer services, including, but not limited to, passenger wait lines, slot times and seasonal rates. The procedures must be developed with the goal of improving customer service and identifying opportunities for increased revenue.

By January 1, 2017, the Department of Transportation shall report on the progress of rulemaking required under this section to the joint standing committee of the Legislature having jurisdiction over transportation matters.

Sec. 5. Transition for appointment of Maine State Ferry Advisory Board members. Notwithstanding the Maine Revised Statutes, Title 23, section 4302, members of the Maine State Ferry Advisory Board appointed by the Commissioner of Transportation serving on the effective date of this Act continue to serve until the completion of their terms. Their successors are appointed as provided in Title 23, section 4302.

28 SUMMARY

 This bill amends the membership of the Maine State Ferry Advisory Board and requires the board to review Department of Transportation policies related to the Maine State Ferry Service prior to implementation. The bill requires the Department of Transportation to implement recommendations contained in the "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report" dated April 4, 2008. The bill also requires the Department of Transportation to adopt rules in connection with the Maine State Ferry Service regarding staffing levels and duties, transportation of hazardous materials, transportation of medical samples, customer service and crew stations and duties.