

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1860

6  
7 H.P. 1414

House of Representatives, January 5, 1984

8 Reference to the Committee on Marine Resources. Ordered printed and  
9 sent up for concurrence.

10 Approved for introduction by the Legislative Council pursuant to Joint  
Rule 26.

EDWIN H. PERT, Clerk

Presented by Representative Crowley of Stockton Springs.

11 Cosponsors: Representative Perkins of Brooksville, Senator Perkins of  
Hancock and Senator Minkowsky of Androscoggin.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT to Provide for the Licensing of  
18 Commercial Fishing Boats for Purposes of  
19 Improving Law Enforcement and to Protect  
20 Underwater Electric Cables not Shown on  
21 Nautical Charts.  
22

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

25 Sec. 1. 12 MRSA §6701, sub-§2, as amended by PL  
26 1977, c. 661, §5, is further amended to read:

27 2. Licensed activity. The holder of a scallop  
28 license may fish for or take scallops or possess,  
29 ship, transport or sell scallops he has taken. The  
30 license shall also authorize crew members aboard ~~the~~  
31 ~~licensee's boat~~ a licensed scallop boat when it is  
32 engaged in dragging for scallops to undertake these  
33 activities.

34 Sec. 2. 12 MRSA §6702 is enacted to read:

1     §6702. Boat scallop license

2             1. License required. It shall be unlawful for  
3 any person to use a boat for dragging for scallops  
4 unless that boat carries a boat scallop license is-  
5 sued by the commissioner.

6             2. Licensed activity. A boat licensed under  
7 this section may be used for dragging for scallops.

8             Sec. 3. 12 MRSA §6954, sub-§1, as enacted by PL  
9 1983, c. 179, §2, is amended to read:

10            1. Violation. It is unlawful to use any drag or  
11 trawl along the seabed in any waters that are identi-  
12 fied or marked as underwater cable or pipeline areas,  
13 either as shown on the most recently published United  
14 States Government nautical chart, or as shown or de-  
15 scribed by rule adopted by the commissioner. The  
16 commissioner may make rules showing or describing  
17 the locations of underwater cables or pipelines which  
18 are not identified on the most recent United States  
19 Government nautical charts.

20   STATEMENT OF FACT

21            This bill establishes a requirement that boats  
22 dragging for scallops be licensed by the Commissioner  
23 of Marine Resources. In the First Regular Session of  
24 the 111th Legislature, legislation was enacted which  
25 was intended to lessen the incidence of dragging for  
26 scallops and fish by fishing boats in the vicinity of  
27 submerged electric cables, Public Law 1983, chapter  
28 179. The law now provides that the license which au-  
29 thorized the individual to engage in the fishing ac-  
30 tivity at the time of violation shall be suspended.  
31 Recent experience demonstrates that the effectiveness  
32 of the law is compromised by the fact the the boat  
33 itself is not removed from the fishery and that own-  
34 ers, knowing that good fishing may exist in the area  
35 of a cable, may place a new operator aboard with in-  
36 structions to fish the cable area. The additional  
37 boat license requirement will prevent the circumven-  
38 tion of the law and the intent behind it.

1           This bill also provides a procedure for protect-  
2           ing underwater cables which may not be shown on nau-  
3           tical charts by authorizing the commissioner to adopt  
4           rules, in accordance with the requirements of the  
5           Maine Administrative Procedure Act, the Revised Stat-  
6           utes, Title 5, chapter 375, by which notice would be  
7           given of locations of uncharted cables. Destruction  
8           of these cables by means of dragging would be prohib-  
9           ited.

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