

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND THIRTEENTH LEGISLATURE
5

6 Legislative Document

No. 3

8 S.P. 15

In Senate, December 3, 1986

9 Reference to the Committee on Marine Resources suggested
10 and ordered printed.

11 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator PERKINS of Hancock.
Cosponsored by: Representative ZIRNKILTON of Mount Desert.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Protect Undersea Cables.
19

20 Emergency preamble. Whereas, Acts of the Legis-
21 lature do not become effective until 90 days after
22 adjournment unless enacted as emergencies; and

23 Whereas, current statutes do not provide for im-
24 mediate and effective law enforcement; and

25 Whereas, the current description of the prohib-
26 ited area is incorrect; and

27 Whereas, the clear intent of the law is being vi-
28 olated by repeated dragging in cable areas; and

29 Whereas, the health and safety of island resi-
30 dents is placed in jeopardy by the repeated dragging
31 in cable areas in the face of the unenforceability of
32 the statutes; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 12 MRSA §6402-A; as enacted by PL 1983,
10 c. 179, §1, is amended to read:

11 §6402-A. Suspension based on conviction of dragging
12 in cable area

13 For any person convicted in court of violating
14 section 6954 or 6954-A, the commissioner shall sus-
15 pend the license authorizing the activity in which
16 the person was engaged at the time of the violation.
17 The suspension shall be for one year from the date of
18 the conviction.

19 Sec. 2. 12 MRSA §6954, sub-§2, as enacted by PL
20 1983, c. 179, §3, is repealed and the following en-
21 acted in its place:

22 2. Penalty. A violation of this section is a
23 Class D crime, except that the minimum fine shall be
24 \$500 and may not be suspended.

25 Sec. 3. 12 MRSA §6954-A, as enacted by PL 1985,
26 c. 317, is repealed and the following enacted in its
27 place:

28 §6954-A. Dragging and scalloping prohibited in the
29 Frenchboro area

30 1. Violation. It is unlawful to take scallops
31 by any means or to operate any watercraft when towing
32 a drag or trawl within the following area: Starting
33 at the easternmost point on Red Point, Swan's Island;
34 thence in an easterly direction to the southernmost
35 point of the western Sister's Island; thence in a
36 southeasterly direction to the southernmost point of
37 Crow Island; thence in a southerly direction to the

1 northernmost point of Harbor Island, Frenchboro, Long
2 Island; thence southerly to the state ferry terminal
3 located on the eastern side of Lunt's Harbor,
4 Frenchboro, Long Island, and then starting at the
5 westernmost point of Gooseberry Point on Frenchboro,
6 Long Island; westerly to the northeast point of
7 John's Island; thence northwest to the easternmost
8 point of the largest of the Baker Islands; thence
9 northwesterly to the northeastern point of Harbor Is-
10 land, Swan's Island; thence northerly to Quarry
11 Wharf, Minturn, Swan's Island.

12 2. Penalty. A violation of this section is a
13 Class D crime, except that the minimum fine shall be
14 \$500 and may not be suspended.

15 Emergency clause. In view of the emergency cited
16 in the preamble, this Act shall take effect when ap-
17 proved.

18 STATEMENT OF FACT

19 The purpose of this bill is to make technical
20 corrections in the description of the cable area be-
21 tween Swan's Island and Frenchboro, Long Island which
22 was closed by the Legislature in 1985 to all forms of
23 dragging. The bill also changes the penalty provi-
24 sions from civil to criminal. The procedures for
25 pursuing a civil violation are much slower than the
26 criminal procedures. The civil procedures thus pre-
27 clude timely enforcement of the dragging prohibition.
28 Therefore, the change from a civil to criminal penal-
29 ty aids the Department of Marine Resources in its ef-
30 fort to protect the health and safety of Frenchboro
31 residents.

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