

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 295, L.D. 381)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1238

H.P. 926 House of Representatives, April 10, 1987  
Reported by Representative BICKFORD from the Committee on  
State and Local Government and printed under Joint Rule 2.  
EDWIN H. PERT, Clerk  
Original bill sponsored by Representative SALSBURY of Bar  
Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

Resolve, Clarifying the Harbor Management  
Jurisdictions of the Towns of Bar  
Harbor and Gouldsboro.

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3  
4

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

8 Whereas, the Town of Bar Harbor has developed a  
9 mooring plan that is ready to be implemented which  
10 will be necessary before the tourist season com-  
11 mences; and

12 Whereas, by legislative enactment creating what  
13 are now the Towns of Bar Harbor and Gouldsboro, cer-  
14 tain islands in Frenchman's Bay known as Bar Island,

1 Sheep Porcupine Island and Bald Porcupine Island are  
2 all made part of the Town of Gouldsboro; and

3       Whereas, these islands lie directly offshore of  
4 the built-up portion of Bar Harbor, but are a consid-  
5 erable distance from the mainland portion of the Town  
6 of Gouldsboro; and

7       Whereas, considerable confusion has arisen in re-  
8 cent years regarding which town has harbor management  
9 jurisdiction with respect to these areas; and

10       Whereas, for purposes of assignment of moorings  
11 and other harbor management responsibilities, the wa-  
12 ters lying between these islands and the Town of Bar  
13 Harbor can be most efficiently and reasonably managed  
14 by Bar Harbor because of the proximity of the waters  
15 to that town; and

16       Whereas, in the judgment of the Legislature,  
17 these facts create an emergency within the meaning of  
18 the Constitution of Maine and require the following  
19 legislation as immediately necessary for the preser-  
20 vation of the public peace, health and safety; now,  
21 therefore, be it

22       **Harbor management jurisdictions. Resolved:** That  
23 for purposes of assignment and regulation of moorings  
24 and other harbor management responsibilities pursuant  
25 to the Maine Revised Statutes, Title 38, chapter 1,  
26 subchapters I and VII, and all other laws relating to  
27 municipal harbor management, the Town of Bar Harbor  
28 exclusively shall have the responsibilities for the  
29 waters lying between the shore of Bar Harbor and the  
30 high-water mark of the shores of Bar Island, Sheep  
31 Porcupine Island and Bald Porcupine Island, deline-  
32 ated as follows: Beginning at the northwestern point  
33 of Bar Island and running along the high-water mark  
34 of Bar Island southeasterly and easterly to the  
35 southeasterly point of Bar Island; thence from the  
36 southeasterly point of Bar Island easterly to the  
37 southern tip of Sheep Porcupine Island; thence from  
38 the southern tip of Sheep Porcupine Island southeast-  
39 erly to the western tip of Bald Porcupine Island;  
40 thence running along the high-water mark of Bald Por-  
41 cupine Island southeasterly to the southern tip of  
42 Bald Porcupine Island, including all waters lying

1 westerly; and southerly of that line to the shore of  
2 Bar Harbor.

3 It being the intention of the Legislature that  
4 the waters described in this resolve shall be subject  
5 to the exclusive jurisdiction of the Town of Bar Har-  
6 bor for purposes of administration and management of  
7 harbors, but it is not the intent of the Legislature  
8 to amend or alter the respective geographic or legal  
9 jurisdictions of Bar Harbor, Gouldsboro or any other  
10 municipality, except as expressly provided in this  
11 resolve.

12 **Emergency clause.** In view of the emergency cited  
13 in the preamble, this resolve shall take effect when  
14 approved.

15 **STATEMENT OF FACT**

16 The purpose of this new draft is to add an emer-  
17 gency preamble and clause to enable the mooring plan  
18 that the town of Bar Harbor has formulated to be im-  
19 plemented for the tourist season.

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