

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 521

H.P. 390

House of Representatives, March 1, 1989

Reference to the Committee on Fisheries and Wildlife suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative STEVENSON of Unity.

Cosponsored by Representative MARSH of West Gardiner, Representative AULT of Wayne and Representative SMITH of Island Falls.

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STATE OF MAINE

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

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**An Act to Allow Handicapped Fishers to Use Electric Motors on  
Restricted Fishing Waters.**

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

3 Sec. 1. 12 MRSA §7791, sub-§3-A is enacted to read:

5 3-A. Handicapped fisher. "Handicapped fisher" means a  
7 person who is disabled as defined in the United States Code,  
9 Title 42, Section 416(i).

11 Sec. 2. 12 MRSA §7792, sub-§4, as enacted by PL 1979, c. 420,  
13 §1, is amended to read:

15 4. Horsepower. Rules governing the horsepower of motors  
17 used to propel watercraft on all internal waters of this State.  
19 In promulgating these rules, the commissioner shall take into  
21 consideration the area of the internal waters, the use to which  
23 the internal waters are put, the depth of the water and the  
25 amount of water-borne traffic upon the waters and determine  
27 whether or not the rule is necessary to ~~insure~~ ensure the safety  
29 of persons and property. The adoption of rules under this  
31 subsection is governed by the Maine Administrative Procedure Act,  
Title 5, Part 18, except that such rules may be only adopted as a  
result of a petition from the municipal officers of the  
municipality or municipalities in which the waters exist or from  
25 citizens of the municipalities in which the waters exist, by  
county commissioners of the county in which the waters exist if  
they are located in unorganized territory or 25 citizens of the  
unorganized territory in which the waters exist, requesting the  
issuance of such a rule for a particular body of internal water  
and stating the proposed horsepower limitation. Notwithstanding  
any rules promulgated under this subsection, handicapped fishers  
may use electric motors on motor-restricted internal waters.

33 Sec. 3. 12 MRSA §7801, sub-§27, ¶F is enacted to read:

35 F. Notwithstanding subsection 20, handicapped fishers may  
37 operate a boat with an electric motor on any  
39 motor-restricted internal water.

41 **STATEMENT OF FACT**

43 The purpose of this bill is to allow handicapped fishers to  
45 use electric motors on motor-restricted internal waters.