

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2271

S.P. 886

In Senate, January 30, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CLEVELAND of Androscoggin

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act Regarding Dragging for Scallops in the Swan's Island Cable
Area.

(AFTER DEADLINE)

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, Public Law 1991, chapter 301 enacted law regarding
6 the taking of scallops in the Swan's Island cable area; and

8 Whereas, the cable in the area of Swan's Island is the sole
source of electricity to 50 families, and when broken, it cannot
10 always be repaired on a timely basis due to inclement weather; and

12 Whereas, the breakage of the cable could create a
life-threatening danger for the customers of the Swan's Island
14 Electric Cooperative, Incorporated; and

16 Whereas, the potential for breakage to the cable exists if
the taking of scallops in the Swan's Island area continues; and

18 Whereas, in the judgment of the Legislature, these facts
20 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
22 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

26 **Sec. 1. 12 MRSA §6954-A, sub-§1,** as amended by PL 1991, c.
28 301, §1, is further amended to read:

30 **1. Violation.** ~~Unless--permitted--by--rules--adopted--under~~
section-7792,--subsection-6,--it It is unlawful to take scallops by
32 any means or to operate any watercraft when towing a drag or
trawl within the following area: starting at the easternmost
34 point on Red Point, Swan's Island; thence in an easterly
direction to the southernmost point of the western Sister's
36 Island; thence in a southeasterly direction to the southernmost
point of Crow Island; thence in a southerly direction to the
38 northernmost point of Harbor Island, Frenchboro, Long Island;
thence southerly to the state ferry terminal located on the
40 eastern side of Lunt's Harbor, Frenchboro, Long Island, and then
starting at the westernmost point of Gooseberry Point on
42 Frenchboro, Long Island; westerly to the northeast point of
John's Island; thence northwest to the easternmost point of the
44 largest of the Baker Islands; thence northwesterly to the
northeastern point of Harbor Island, Swan's Island; thence
46 northerly to Quarry Wharf, Minturn, Swan's Island.

48 **Sec. 2. 12 MRSA §7792, sub-§§3 and 4,** as enacted by PL 1979, c.
420, §1, are amended to read:

2 **3. Safety equipment.** Rules further governing safety
equipment for watercraft, including the type, quality and
4 quantity of that equipment; and

6 **4. Horsepower.** Rules governing the horsepower of motors
used to propel watercraft on all internal waters of this State.
8 In promulgating these rules, the commissioner shall take into
consideration the area of the internal waters, the use to which
10 the internal waters are put, the depth of the water and the
amount of water-borne traffic upon the waters and determine
12 whether or not the rule is necessary to insure the safety of
persons and property. The adoption of rules under this subsection
14 is governed by the Maine Administrative Procedure Act, Title 5,
Part 18, except that such rules may be only adopted as a result
16 of a petition from the municipal officers of the municipality or
municipalities in which the waters exist or from 25 citizens of
18 the municipalities in which the waters exist, by county
commissioners of the county in which the waters exist if they are
20 located in unorganized territory or 25 citizens of the
unorganized territory in which the waters exist, requesting the
22 issuance of such a rule for a particular body of internal water
and stating the proposed horsepower limitation, and

24 **Sec. 3. 12 MRSA §7792, sub-§5,** as amended by PL 1991, c. 301,
26 §2, is further amended to read:

28 **5. Restrictions for airmobiles.** Rules restricting the
operation of airmobiles in fish or wildlife preserves,
30 conservation areas or other areas where the operation may harm
the natural environment; ~~and.~~

32 **Sec. 4. 12 MRSA §7792, sub-§6,** as enacted by PL 1991, c. 301,
34 §3, is repealed.

36 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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STATEMENT OF FACT

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This bill repeals the law permitting the taking of scallops
in the Frenchboro area around the Swan's Island cable area.

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