

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 1

S.P. 15 — L.D. 3

AN ACT to Protect Undersea Cables.

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

Whereas, current statutes do not provide for immediate and effective law enforcement; and

Whereas, the current description of the prohibited area is incorrect; and

Whereas, the clear intent of the law is being violated by repeated dragging in cable areas; and

Whereas, the health and safety of island residents is placed in jeopardy by the repeated dragging in cable areas in the face of the unenforceability of the statutes; and

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

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

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

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

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

Sec. 2. 12 MRSA §6954, sub-§2, as enacted by PL 1983, c. 179, §3, is repealed and the following enacted in its place:

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

Sec. 3. 12 MRSA §6954-A, as enacted by PL 1985, c. 317, is repealed and the following enacted in its place:

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

1. Violation. It is unlawful to take scallops by any means or to operate any watercraft when towing a drag

or trawl within the following area: Starting at the easternmost point on Red Point, Swan's Island; thence in an easterly direction to the southernmost point of the western Sister's Island; thence in a southeasterly direction to the southernmost point of Crow Island; thence in a southerly direction to the northernmost point of Harbor Island, Frenchboro, Long Island; thence southerly to the state ferry terminal located on the eastern side of Lunt's Harbor, Frenchboro, Long Island, and then starting at the westernmost point of Gooseberry Point on Frenchboro, Long Island; westerly to the northeast point of John's Island; thence northwest to the easternmost point of the largest of the Baker Islands; thence northwesterly to the northeastern point of Harbor Island, Swan's Island; thence northerly to Quarry Wharf, Minturn, Swan's Island.

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

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective December 5, 1986.

CHAPTER 2

H.P. 4 — L.D. 4

AN ACT to Designate the Maine State Housing Authority as the Housing Credit Agency for Low-income Housing Credits.

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

Whereas, the Tax Reform Act of 1986 established a low-income housing credit which must be allocated by a designated housing credit agency; and

Whereas, there is an immediate need to designate the State's housing credit agency so that the State can fully use its credit allocation; and

Whereas, the inability to immediately allocate and use the credit will substantially diminish the ability of the State to redress the continuing problem of insufficient, decent, safe and sanitary housing in the State; and

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

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

Sec. 1. 30 MRSA §4651, sub-§12, as amended by PL