MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1379

H.P. 958

House of Representatives, April 11, 2017

An Act Regarding Enforcement of Marine Resources Laws and Suspensions of Marine Resources Licenses

Submitted by the Department of Marine Resources pursuant to Joint Rule 204. Reference to the Committee on Marine Resources suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative KUMIEGA of Deer Isle.

2	Sec. 1. 12 MRSA §6025-B is enacted to read:
3	§6025-B. Use of covert electronic surveillance
4 5 6 7 8 9	If the Chief of the Bureau of Marine Patrol delivers to the commissioner a written statement signed by the chief under oath that the chief has probable cause to suspect that a civil violation of any law or rule relating to the deployment or retrieval of lobster gear has been committed, the commissioner shall immediately examine the affidavit and determine if the use of covert electronic surveillance is warranted. If the commissioner determines the use of covert electronic surveillance is warranted, the commissioner may authorize the use of covert electronic surveillance.
11 12	Sec. 2. 12 MRSA §6306, sub-§1, ¶A, as amended by PL 2009, c. 229, §14, is further amended to read:
13 14 15 16 17 18	A. Watercraft or vehicles and the equipment located on watercraft or vehicles used primarily in a trade or business requiring a license or aquaculture lease under this Part may be searched or inspected at any time. This inspection includes covert electronic surveillance to monitor and enforce any law or rule relating to the deployment or retrieval of lobster gear for which the violation of the law or rule is classified as a civil violation.
19	Sec. 3. 12 MRSA §6351, sub-§1, ¶B-2 is enacted to read:
20	B-2. A conviction for a violation of Title 17-A, chapter 33;
21	Sec. 4. 12 MRSA §6371, sub-§§4 to 7 are enacted to read:
22 23 24	4. Suspensions for violations of Title 17-A, chapter 31. Violation of Title 17-A, chapter 31 is grounds for suspension under section 6374 of any licenses or certificates issued under this Part.
25 26 27	5. Suspensions for violations of Title 17-A, chapter 15. Violation of Title 17-A, chapter 15 is grounds for suspension under section 6374 of any licenses or certificates issued under this Part.
28 29 30	6. Suspensions for violations of Title 17-A, chapter 33. Violation of Title 17-A, chapter 33 is grounds for suspension under section 6374 of any licenses or certificates issued under this Part.
31 32 33 34	7. Suspensions for criminal offense against a marine patrol officer. A criminal offense against a marine patrol officer while that officer is engaged in the performance of official duty is grounds for suspension under section 6374 of any licenses or certificates issued under this Part.
35 36	Sec. 5. 12 MRSA §6374, first ¶, as enacted by PL 2011, c. 311, §4, is amended to read:

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

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Except as provided in section 6371, subsections 1 and 2, the procedure for suspending a license or certificate for a violation of marine resources law <u>or a violation under section 6371, subsections 4 to 7</u> without a criminal conviction or civil adjudication is governed by this section.

5 SUMMARY

This bill amends the marine resources licensing consent to inspection provision to allow marine patrol to place covert electronic surveillance equipment on lobster vessels for the purpose of determining if a license holder is violating any laws or rules regarding the hauling of lobster gear. It also creates a process under which the covert electronic surveillance equipment may be used, including the requirement for probable cause. It expands the violations for which a marine resources license may be administratively suspended to include the Maine Revised Statutes, Title 17-A, chapter 15, theft, chapter 31, offenses against public administration, and criminal offense against a marine patrol officer. These are already included in the list of violations for which a license may be suspended following conviction. Violations of Title 17-A, chapter 33, arson and other property destruction, are added to both license suspension provisions, administrative suspension and following conviction.