

MAINE STATE LEGISLATURE

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CHAPTER 415

LICENSES AND PERMITS GENERALLY

Sec.

3751. Issuance; transfer; expiration; fees; suspension.

3752. Suspension of licenses, permits and rights.

§ 3751. Issuance; transfer; expiration; fees; suspension

The following provisions apply to any license or permit issued by the commissioner under chapters 401 to 417 unless the law authorizing the license or permit specifically provides to the contrary.

1. Licenses and permits not transferable; written application.

A. Any license or permit issued is not transferable.

B. The applicant shall make application for any license or permit on blanks furnished by the commissioner.

C. The commissioner may not issue any license or permit to any applicant unless all questions in the application are fully answered.

2. Licenses and permits issued through error are void; unlawful to make misrepresentation on application. Any license or permit issued through error, misrepresentation or misstatement is void, and the holder shall surrender it on demand of the commissioner.

A. It is unlawful for any person to willfully make a misstatement or misrepresentation on any application for any license or permit.

3. Expiration of licenses and permits. A license or permit expires at midnight on December 31st of the calendar year in which issued.

4. One-half fee after September 30th. The fee for any license or permit issued after September 30th of each calendar year is $\frac{1}{2}$ the original fee.

5. Licenses and permits to be exhibited on demand; prima facie evidence. Any person holding a license or permit shall at all times when engaged in the pursuit so licensed or permitted exhibit the license or permit issued to him upon demand of any coastal warden or any other authorized person.

A. Failure to exhibit the license or permit within a reasonable time when requested is prima facie evidence that the person so failing to produce the license or permit is unlicensed and has no permit.

6. Lost licenses and permits; fee for duplicate. The commissioner shall issue a duplicate license or permit to any person who has lost or destroyed any license or permit issued to him. The fee for the duplicate is 25 cents.

7. Combination license; fee; suspension. The commissioner may issue a combination license of any or all licenses to any person making application for a combination license if the person is found to be entitled to all the licenses applied for.

A. The fee for the combination license is the total of the fees for the separate licenses enumerated on the combination license.

B. The suspension of one license included in the combination license does not suspend the other licenses included therein.
R.S.1954, c. 38, § 17; 1959, c. 331, § 1.

§ 3752. Suspension of licenses, permits and rights

The commissioner may suspend any and all licenses and permits issued by him under the authority of chapters 401 to 417, and the right of any person, firm or corporation to obtain any and all such licenses and permits, subject to this section:

1. Exception. On conviction of a violation of section 4457, the commissioner may suspend the offender's lobster and crab fishing license and may suspend his right to obtain such a license for a period not to exceed 3 years.

1963, c. 138, § 2.

2. Length of period of suspension. On conviction of a violation of any provision of chapters 401 to 417, except as provided in subsection 1, or any regulation pertaining to sea and shore fisheries, the commissioner may suspend any and all of the offender's licenses and permits, and his right to obtain any and all such licenses and permits as follows:

A. On the first conviction the suspension may not exceed a period of 6 months from the date of final conviction.

B. On the 2nd conviction the suspension may not exceed a period of 9 months from the date of final conviction.

C. On the 3rd or subsequent conviction the suspension may not exceed a period of one year from the date of final conviction.

3. Rules of construction for subsection 2. The following rules of construction apply to subsection 2:

A. Subsection 2 applies whether or not the number of convictions is alleged in the criminal complaint.

B. Any conviction which happened 7 years or more prior to the last conviction is not counted in determining the number of convictions for the purposes of subsection 2.

C. Any conviction of a violation of the Revised Statutes, 1954, chapter 38, is considered a conviction for determining the number of convictions for the purposes of subsection 2, subject to paragraph B of this subsection. Likewise any conviction of a violation of a rule or regulation authorized by said chapter 38 is considered a conviction.

4. Suspension for persons adjudged to have committed a juvenile offense. When a person has been adjudged to have committed a juvenile offense as a result of a violation of any provision of chapters 401 to 417, or of any regulation adopted under authority of chapters 401 to 417, the commissioner may suspend any and all of his licenses and permits, and his right to obtain them, in the same manner as though he were found guilty of the particular violation instead of having committed a juvenile offense.

1959, c. 378, § 33.

5. Hearing may be requested in certain cases. Any person whose license, permit or right thereto has been suspended under subsections 1, 2, 3 or 4 may request the commissioner for a hearing.

A. At the hearing the person applying for reinstatement of his license, permit or right may present any relevant facts concerning the violations.

B. The commissioner may reinstate the license, permit or right after the hearing, or he may shorten the time of suspension if he is satisfied that either procedure would be in the interest of justice.

1963, c. 138, § 3.

6. Suspension when conviction appealed. When an appeal has been taken from any conviction of any violation of any pro-

visions of chapters 401 to 417, or of any regulation adopted under authority of chapters 401 to 417, the commissioner may suspend, until final court disposition, the license, permit or right thereto of the respondent to conduct the particular activity in which he was engaged at the time of the alleged violation, and the commissioner may suspend for the same period any and all licenses and permits held by the respondent, and any and all rights he has to obtain such licenses or permits.

7. Duty to remove traps, etc., after lobster and crab fishing license suspended. Any person whose lobster and crab fishing license has been suspended shall within 5 days thereafter remove from the water all his pots, traps, cars or other devices used, or usable, in the catching and holding of crabs or lobsters.

8. Specific violations; penalties. Whoever engages in any pursuit while his license or permit therefor, or his right to obtain such, is under suspension, or whoever possesses any marine species while his license or permit therefor, or his right to obtain such, is under suspension, shall be punished by a fine of not less than \$50 nor more than \$300, or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 38, § 127; 1955, c. 333, § 4; 1957, c. 30, §§ 13, 14; c. 426; 1959, c. 331, § 1; c. 378, § 33; 1963, c. 138, §§ 2, 3.