

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 747**

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H. P. 604

House of Representatives, February 21, 1975

Referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jackson of Yarmouth.

Cosponsors: Mrs. Post of Owl's Head and Mr. Hewes of Cape Elizabeth.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Exempt Veterans from the Moratorium on Issuance of Lobster and Crab Fishing Licenses.**

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

Whereas, the lobster fishing license statute was amended by the public laws of 1973, chapter 784, to prohibit the issuance of any new lobster and crab fishing licenses to any persons other than those who were license holders of record in 1973 and 1974 prior to May 15, 1974; and

Whereas, a number of veterans of the armed services have thus been deprived of an opportunity to resume or begin a livelihood of fishing for lobster or crab, creating grave hardships for such veterans, results not intended by the moratorium statute; 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:

12 MRSA § 4404, sub-§ 9, as enacted by PL 1973, c. 784, § 1, is amended to read:

9. **License freeze.** On and after May 15, 1974, lobster and crab fishing licenses shall be issued only to license holders of record with the Department

of Marine Resources, which were issued for the calendar year ending December 31, 1973 and which were issued in 1974 prior to May 15, 1974, except that a lobster and crab fishing license shall be issued to any person, whether or not a license holder of record as aforesaid, who was on active duty as a member of the Armed Forces in 1973 or in 1974 prior to May 15, 1974, meets all other requirements of law for such license and met such requirements in 1973 or in 1974 prior to May 15, 1974.

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

#### STATEMENT OF FACT

The Department of Marine Resources has received several applications for lobster and crab fishing licenses from veterans, some of whom were lobster fishermen prior to going on active duty in the Armed Forces in 1973 or 1974, and has had to reject such applications because the applicants, by reason of being on active duty, were not "license holders" in 1973 or 1974 as required for license eligibility under the statute imposing the moratorium on the issuance of such licenses.

This Act would remove the prejudice these men are suffering in the pursuit of their chosen livelihood of lobster fishing under the moratorium statute solely by reason of being on active duty in the service of their country.