

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

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COMMITTEE AMENDMENT " A" to S.P. 276, L.D. 934, Bill,
"AN ACT to Clarify the Laws Relating to Marine Resources."

Amend said Bill by striking out everything after section 1
and inserting in place thereof the following:

'Sec. 2. 12 MRSA §3751, sub-§5, ¶B is enacted to read:

B. Any bona fide crew member of a legally licensed
operation, when the license provides for crew members,
may carry out the duties of the licensee in his absence
provided the license is in the crew member's possession.

Sec. 3. 12 MRSA §3751, sub-§7, is repealed.

Sec. 4. 12 MRSA §4252, sub-§3 is repealed and the following
enacted in place thereof:

3. Penalty for ordinances. Whoever violates any provision
of a municipal ordinance authorized by this section shall be
punished by a fine as provided by section 4504.

Sec. 5. 12 MRSA §4401, sub-§5 is amended to read:

5. Penalty for the taking, holding or possession of female
lobsters. Whoever takes, holds, transports, ships or has in
his possession any female lobsters in violation of any provision
of this section shall be punished by a fine of not less than
\$25 \$10, and in addition by a fine of ~~25~~ \$25 for each such
female lobster involved, or by imprisonment for not more than
90 days, or by both.

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Sec. 6. 12 MRSA §4455, sub-§1, ¶A, as last amended by PL 1965, c. 30, §2, is further amended to read:

A. Whoever possesses any such tail section of lobster meat shall be punished by a fine of ~~§25-and-in-addition by-a-fine-of-65-for-each-such-tail-section-of-lobster meat-possessed,~~ §10 and in addition by a fine of \$5 for each such tail section involved, up to and including the first 5, and by a fine of \$25 for each such tail section in excess of 5, or by imprisonment for not more than 90 days, or by both.

Sec. 7. 12 MRSA §4461 is amended to read:
§4461. Unmarked lobster and crab pots and traps

It is unlawful for any person to set, raise or haul in or from the tidal waters of this State any pot or trap for any lobster or crab, or to cause the same to be done, without having it and the buoy attached thereto ~~plainly-carved-or branded~~ clearly marked with his lobster and crab fishing license number.

1. Lobster cars to be marked. It is unlawful for any person, firm or corporation to use or set in tidal waters of this State any car or other contrivance for the holding or keeping of lobsters, or to cause the same to be done, without having it ~~plainly-carved-or-branded~~ clearly marked with the owner's lobster and crab fishing license number, retail seafood dealer's license number or wholesale seafood dealer's and processor's license number.

2. Penalty. Whoever violates any provision of this section shall be subject to the penalties provided in section

4504 and in addition ~~shall~~ may forfeit to the State the pot, trap, buoy, car or other contrivance not so marked, and any lobsters or crabs found therein.

Fiscal Note

No additional cost. Possible increase in fine revenue.'

Statement of Fact

Sec. 1. There is a grey area in 12 MRSA, section 3505, sub-§1, ¶C (Conserve) which limits the commissioner in carrying out the intended responsibilities under this statute. The change to "promote the conservation of," we feel, would eliminate this problem.

Sec. 4. 12 MRSA, section 4252, sub-§3 is a set penalty for a violation of a municipal shellfish ordinance and specifies "not more than \$10." As a result, no more than \$10 can be assessed by a judge regardless of the number of violations.

Changing this penalty to section 4504 would place this in the general penalty provision (\$25 to \$500) and would give the courts discretion.

Sec. 5. 12 MRSA, section 4401, sub-§5, is a penalty for the taking, holding or possession of female lobsters. This is an old penalty and has not been changed as many of our other penalty provisions have. This would place a \$10 penalty for the issuance of any complaint which is presently in effect for our short and oversized lobster statutes, and would increase the penalty for possession of any egg or marked female lobsters.

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Sec. 6. 12 MRSA, section 4455, sub-§1, ¶A. This penalty was not changed when the short lobster penalty was changed. This would put this in line.

Sec. 7. 12 MRSA, section 4461. This will allow fishermen to mark their traps by any method instead of being restricted to carved or branding.

The penalty change makes the forfeiture of traps, etc., discretionary rather than mandatory.

Reported by the Committee on Marine Resources.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 21, 1975. (Filing No. S-179).