

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-661)

COMMITTEE AMENDMENT "A" to H.P. 1141, L.D. 1237, Bill,
"AN ACT to Temporarily Suspend the Lobster and Crab Fishing
License Moratorium."

Amend said Bill by striking out all of the Title and
inserting in place thereof the following: 'AN ACT
to Repeal the Lobster and Crab Fishing License Freeze.'

Further amend said Bill by striking out everything after
the Title and inserting in place thereof the following:
'Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 12 MRSA §4404, sub-§4, as last amended by
PL 1973, c. 397, is repealed and the following enacted in
place thereof:

4. Residence requirements. Any person domiciled in the
State of Maine may apply to the commissioner for a lobster
and crab fishing license.

Sec. 2. 12 MRSA §4404, sub-§7 is amended to read:

7. Certain persons considered as fishing. Any person,
assisting or helping another in lobster or crab fishing,
either by operating the boat or in attending to lobster or
crab traps or pots, is considered as fishing and must have a
current license under this section or as provided in section
4404-A.

Sec. 3. 12 MRSA §4404, sub-§9, as enacted by PL 1973,
c. 784, §1, is repealed and the following enacted in place
thereof:

9. Application. The applicant shall apply for a license

on forms provided by the commissioner. The application shall require such information as may be necessary in order to demonstrate a fulfillment of the requirements of the license, including evidence of domicile in the State of Maine. The commissioner shall not issue a license unless all of the questions on the application are fully answered.

Sec. 4. 12 MRSA ^{§4404, sub-§§} / 10, 11, 12 and 13 are enacted to read:

10. Issuance of licenses. The commissioner may issue a license upon receipt of a completed application. The applicant shall be notified when an application is determined to be complete. The commissioner shall have 30 days from the date of receipt of a completed application in which to review the application before issuing a license.

11. Licenses to be exhibited on demand; prima facie evidence. Any person holding a license shall, at all times when engaged in the activity licensed, exhibit the license issued to him upon demand of any coastal warden or any other authorized agent of the commissioner.

Failure to exhibit the requested license shall be prima facie evidence that the person failing is unlicensed.

12. Authority to deny license; hearing request. The commissioner may deny a license when he determines that the requirements therefor are not satisfied.

The applicant may request a hearing within 15 days of notice of denial of a license.

The commissioner shall notify the person denied the license,

for a hearing,
within 30 days of receipt of the request /of the time,
the location, the nature of the hearing and a short and plain
statement of the issues.

Opportunity shall be granted to all parties to respond and
to present evidence on the issues involved.

After hearing, the commissioner shall either issue the license
or deny the license stating the reasons for denial.

13. Judicial review. Any person denied a license after
hearing shall have a right to appeal to the Superior Court in
the county in which he is domiciled.'

Statement of Fact

This bill would repeal the moratorium on the issuance of lobster and crab fishing licenses 90 days after the adjournment of the Legislature. It also repeals those provisions of the lobster licensing law which the ~~federal~~ court found to be unconstitutional in Massey vs. Apollonio. The bill requires that an individual be domiciled in Maine in order to be issued a lobster and crab fishing license.

Reported by the Majority of the Committee on Marine Resources.

Reproduced and distributed under the direction of the Clerk of the House.

6/6/75

(Filing No. H-661)