

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1993

Legislative Document

No. 1578

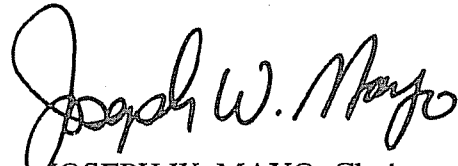
H.P. 1180

House of Representatives, December 22, 1993

**An Act to Strengthen Penalties for the Unlawful Cutting of Lobster
Traps.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Received by the Clerk of the House on December 20, 1993. Referred to the Committee on
Marine Resources and 1200 ordered printed pursuant to Joint Rule 14.


JOSEPH W. MAYO, Clerk

Presented by Representative ZIRNKILTON of Mount Desert.

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

Whereas, lobster traps represent a significant capital investment for individuals who trap lobster; 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:

Sec. 1. 12 MRSA §6434, sub-§4 is enacted to read:

4. Additional penalty. If the holder of a lobster and crab fishing license violates this section by cutting a lobster trap line, the court:

A. Shall order that person to pay full restitution to the owner of the trap line that was cut; and

B. May suspend that person's privilege to possess a lobster and crab fishing license for any period of time beyond the 3-year administrative suspension required by section 6402.

A penalty imposed under this subsection is in addition to any penalty imposed under section 6204.

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

STATEMENT OF FACT

This bill increases the penalty for cutting a lobster trap line by requiring the violator to pay restitution to the trap owner and by allowing the court to extend the period of license suspension beyond the automatic 3-year suspension established in existing law.

This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.