

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

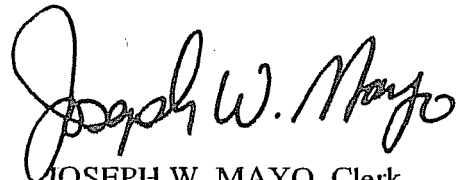
No. 1688

H.P. 1261

House of Representatives, January 11, 1994

An Act to Increase Penalties for Violation of Lobster Fishing Laws.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Marine Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LEMONT of Kittery.
Cosponsored by Representatives: FARNUM of South Berwick, LINDAHL of Northport,
MARSHALL of Eliot, OTT of York, SIMONEAU of Thomaston, ZIRNKILTON of Mount
Desert, Senator: GOULD of Waldo.

2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 12 MRSA §6371-A is enacted to read:

6 §6371-A. Administrative Court suspension

8 The commissioner may file an action in Administrative Court,
10 as provided in Title 4, chapter 25, seeking license suspension
12 for a violation of section 6431.

14 Sec. 2. 12 MRSA §6401, sub-§2, as amended by PL 1985, c. 43,
16 is further amended to read:

18 2. **Length of suspension.** The Except as provided in
20 subsection 2-A, the suspension of a license or certificate may
22 not exceed the following:

24 A. One year from the date of the first conviction;

26 B. Two years from the date of the 2nd conviction; and

28 C. Three years from the date of the 3rd or subsequent
30 conviction.

32 Sec. 3. 12 MRSA §6401, sub-§2-A is enacted to read:

34 2-A. Suspension for undersized lobster. The suspension of
36 a license or certificate for violation of section 6431 may not
38 exceed 5 years.

40 Sec. 4. 12 MRSA §6431, sub-§1, as repealed and replaced by PL
42 1991, c. 31, §1 and affected by §2, is amended by amending the
44 first paragraph to read:

46 1. **Minimum and maximum length.** A person may not
48 intentionally buy, sell, give away, transport, ship or possess
any lobster that is less than the minimum size established in
this subsection or more than 5 inches in length, as determined by
the state double gauge lobster measure. Except as provided in
this subsection, the minimum lobster size is 3 8/32 inches.

44 **STATEMENT OF FACT**

46 The bill increases the maximum license suspension period for
48 possession, sale or transport of undersized lobster to 5 years
and requires that a person intentionally violate that law before
there is a penalty. The bill also permits the Commissioner of

2 Marine Resources to file an action in Administrative Court to
suspend a license for a violation of the lobster size law.

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