

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1114

H.P. 797

House of Representatives, March 30, 1995

**An Act to Amend the Law Regarding the Possession of Short Lobsters.**

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Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PERKINS of Penobscot. (By Request)

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

4                   **Sec. 1. 12 MRSA §6402-B**, as enacted by PL 1993, c. 550, §1,  
is amended to read:

6                   **§6402-B. Suspension based on 2 or more convictions of**  
8                   **possessing short lobsters**

10                   Notwithstanding section 6401, subsection 2, the commissioner  
shall suspend the lobster and crab fishing license of any  
12                   ~~licenseholder~~ license holder convicted of a 2nd or subsequent  
offense of possessing ~~a lobster~~ 3 or more lobsters smaller than  
14                   ~~the minimum size established in section 6431, subsection 1 if the~~  
~~conviction of the 2nd or subsequent offense involved possession~~  
~~of 3 or more lobsters smaller than that minimum size.~~ The  
16                   ~~suspension is for a period of 3 years from the date of~~  
~~conviction.~~

18                   1. **Second or subsequent offense.** The conviction of the 2nd  
20                   or subsequent offense involved possession of 3 or more lobsters  
smaller than that minimum size; and

22                   2. **Offenses after July 14, 1994.** That person's first  
24                   conviction for possession of 3 or more lobsters smaller than that  
minimum size was for an offense that occurred after July 14, 1994.

26                   The commissioner shall notify a license holder of a suspension  
28                   under this section and may give that person an opportunity for a  
hearing under the provisions of subchapter I, article 1.  
30                   Following that hearing, the commissioner may reinstate that  
suspended license as provided in section 6353, subsection 3.  
32                   Unless a license is reinstated following a hearing, a suspension  
under this section is for a period of 3 years from the date of  
34                   conviction.

36                   **Sec. 2. Retroactivity.** Section 1 of this Act applies  
retroactively to July 14, 1994.

38                   **Sec. 3. Hearing to be held.** Notwithstanding the Maine Revised  
40                   Statutes, Title 12, section 6402-B, the Commissioner of Marine  
42                   Resources shall hold a hearing under the provisions of Title 12,  
chapter 617, subchapter I, article 1 for any person whose license  
44                   was suspended under Title 12, section 6402-B between the dates of  
July 14, 1994 and the effective date of this Act.

46  
48                   **STATEMENT OF FACT**

50                   This bill clarifies that the suspension of a lobster  
harvesting license for persons convicted 2 or more times of

2 possessing short lobsters applies only to persons whose first  
3 offense of possessing short lobsters occurred after July 14,  
4 1994, the date the mandatory license suspension for possession of  
5 short lobsters took effect.

6 This bill also allows a person whose license is suspended  
7 for possession of short lobsters to request a hearing by the  
8 Commissioner of Marine Resources. Following that hearing, the  
9 commissioner may decide to reinstate the suspended license.

10 This bill also directs the Commissioner of Marine Resources  
11 to hold a hearing on any license suspended under that law between  
12 the date it took effect and the effective date of this bill.