

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1604

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H.P. 1176

House of Representatives, December 30, 2013

### An Act To Make Technical Changes to Marine Resources Laws

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WEAVER of York.

Cosponsored by Senator WOODBURY of Cumberland and

Representatives: KRUGER of Thomaston, KUMIEGA of Deer Isle, PARRY of Arundel,  
SAXTON of Harpswell, WINCHENBACH of Waldoboro, Senator: JOHNSON of Lincoln.

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

2 **Sec. 1. 12 MRSA §6174, sub-§3**, as amended by PL 2003, c. 248, §3, is further  
3 amended to read:

4 **3. Penalty.** Whoever violates a rule commits a civil violation for which a fine of not  
5 less than \$100 for each violation may be adjudged. Except as otherwise specifically  
6 provided by law, a violation under this subsection is a strict liability offense for which no  
7 proof of a culpable state of mind is required.

8 **Sec. 2. 12 MRSA §6301, sub-§2, ¶U**, as corrected by RR 2009, c. 2, §24, is  
9 amended to read:

10 U. A limited wholesale shellfish harvester's license issued under section 6851-A  
11 expires on March 31st of each year; ~~and~~

12 **Sec. 3. 12 MRSA §6301, sub-§2, ¶V**, as reallocated by RR 2009, c. 2, §22, is  
13 amended to read:

14 V. A lobster processor license issued under section 6851-B expires on March 31st of  
15 each year; ~~and~~

16 **Sec. 4. 12 MRSA §6301, sub-§2, ¶W** is enacted to read:

17 W. A commercial green crab only license issued under section 6808 expires on April  
18 30th of each year.

19 **Sec. 5. 12 MRSA §6407**, as enacted by PL 1977, c. 661, §5, is amended to read:

20 **§6407. Conviction or adjudication; juvenile offense; failure to appear**

21 Under this chapter:

22 **1. Conviction or adjudication.** A judgment of guilt ~~shall be~~ is considered a  
23 conviction or adjudication during the pendency of appeal;

24 **2. Juvenile offense.** A conviction as of a juvenile offense ~~shall be~~ is considered a  
25 conviction; and

26 **3. Failure to appear.** Failure to appear in court when properly summoned ~~shall be~~  
27 is considered a conviction.

28 **Sec. 6. 12 MRSA §6808, sub-§6**, as amended by PL 2009, c. 213, Pt. G, §33, is  
29 further amended to read:

30 **6. Fees.** The fee for a commercial green crab only license is ~~\$38~~ \$10 for a resident  
31 license and ~~\$76~~ \$20 for a nonresident license, which authorizes the license holder to  
32 engage in the licensed activities under subsection 2.

33 **Sec. 7. 12 MRSA §6808, sub-§7**, as amended by PL 2009, c. 213, Pt. G, §34, is  
34 further amended to read:

1           **7. Disposition of fees.** Fees for commercial green crab only licenses must be  
2 deposited in the Green Crab Management Fund established in section 6809 as follows:

3           A. ~~Thirty three~~ Eight dollars for a resident commercial green crab only license; and

4           B. ~~Sixty six~~ Sixteen dollars for a nonresident commercial green crab only license.

5           **Sec. 8. 12 MRSA §6852, sub-§2-A,** as enacted by PL 2011, c. 598, §44, is  
6 amended to read:

7           **2-A. Enhanced retail certificate authorized.** The holder of a retail seafood license  
8 may obtain an enhanced retail certificate from the department. The holder of an  
9 enhanced retail certificate may, in the retail trade within the state limits, buy, sell,  
10 transport, ship or serve:

11           A. Shellstock bought from a commercial shellfish license holder licensed under  
12 section 6601;

13           B. Shellstock bought from a surf clam boat license holder licensed under section  
14 6602;

15           C. Shellstock bought from a mahogany quahog license holder licensed under section  
16 6731; or

17           D. Shellstock bought from a hand-raking mussel license holder licensed under  
18 section 6745 or a mussel boat license holder licensed under section 6746.

19 For the purposes of inspection or collection of samples, the commissioner or the  
20 commissioner's agent may access an establishment or part thereof ~~or vehicle~~ in which  
21 activities authorized under this certificate are conducted by a person holding a retail  
22 seafood license. Denial of access is grounds for suspension or revocation of a retail  
23 seafood license under the provisions of section 6372. The holder of an enhanced retail  
24 certificate may not designate a vehicle as that person's establishment.

## 25           SUMMARY

26           This bill makes technical changes to Maine's marine resources laws. It clarifies that  
27 an individual with an enhanced retail certificate may not designate a vehicle as the  
28 individual's establishment. It clarifies that rule violations are strict liability offenses. It  
29 changes the licensing year of the commercial green crab only license and lowers the cost  
30 of the license. Finally, it clarifies that a judgment of guilt is considered a conviction or  
31 adjudication during the pendency of appeal.