

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1778

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H.P. 1275

House of Representatives, February 18, 2014

**An Act To Revise the Description of Commercial Fishing Vessels  
That Are Exempt from Attachment**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative COOPER of Yarmouth.  
Cosponsored by Senator JOHNSON of Lincoln and  
Representatives: DILL of Old Town, KRUGER of Thomaston, KUMIEGA of Deer Isle,  
MORIARTY of Cumberland, PRIEST of Brunswick, SAXTON of Harpswell.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** current civil forfeiture law provides for many exemptions from  
4 attachment; and

5 **Whereas,** the description of a debtor's fishing boat that is used for income-  
6 generating purposes is out of date; and

7 **Whereas,** the continued use of the out-of-date description allows the attachment of  
8 fishing boats that are commonly used in commercial fishing, leading to an inability of the  
9 debtor to generate income, which is contradictory to the reason for the exemption; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
11 the meaning of the Constitution of Maine and require the following legislation as  
12 immediately necessary for the preservation of the public peace, health and safety; now,  
13 therefore,

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

15 **Sec. 1. 14 MRSA §4422, sub-§9,** as enacted by PL 1981, c. 431, §2, is amended  
16 to read:

17 **9. Fishing boat.** The debtor's interest in one boat, not exceeding ~~5 tons burden~~ 45  
18 feet in length, used by the debtor primarily for commercial fishing.

19 **Emergency clause.** In view of the emergency cited in the preamble, this  
20 legislation takes effect when approved.

21 **SUMMARY**

22 This bill changes the description of commercial fishing boats exempt from  
23 attachment under the civil forfeiture laws from those not exceeding 5 tons burden to those  
24 not exceeding 45 feet in length.