

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2029

S.P. 857

In Senate, December 13, 2023

An Act Regarding License Suspensions Carried out by the Commissioner of Marine Resources

Submitted by the Department of Marine Resources pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 11, 2023. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator RENY of Lincoln.

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

2 **Sec. 1. 12 MRSA §6351, sub-§1, ¶B-2**, as enacted by PL 2017, c. 197, §1, is
3 amended to read:

4 B-2. A conviction for a violation of Title 17-A, section 802 that is directly related to
5 an activity for which a ~~lobster and crab fishing~~ license or certificate issued under this
6 Part is required;

7 **Sec. 2. 12 MRSA §6351, sub-§1, ¶B-3**, as enacted by PL 2017, c. 197, §1, is
8 amended to read:

9 B-3. A conviction for a violation of Title 17-A, section 805 that is directly related to
10 an activity for which a ~~lobster and crab fishing~~ license or certificate issued under this
11 Part is required;

12 **Sec. 3. 12 MRSA §6351, sub-§1, ¶C-1** is enacted to read:

13 C-1. A conviction for a violation of Title 17-A, chapter 9 when the offense is directly
14 related to an activity for which a license or certificate issued under this Part is required.

15 **Sec. 4. 12 MRSA §6371, sub-§3, ¶C**, as enacted by PL 2017, c. 197, §2, is
16 amended to read:

17 C. Setting fire to, sinking or damaging a vessel used to carry out the activities
18 authorized under a ~~lobster and crab fishing~~ license or certificate issued under this Part
19 to such an extent that the vessel cannot be used to carry out those activities by the
20 person who has that vessel named on the person's ~~lobster and crab fishing~~ license or
21 certificate issued under this Part.

22 **Sec. 5. 12 MRSA §6371, sub-§4, ¶A**, as enacted by PL 2017, c. 197, §3, is
23 amended to read:

24 A. Title 17-A, section 353, when the offense is directly related to an activity for which
25 a ~~lobster and crab fishing~~ license or certificate issued under this Part is required;

26 **Sec. 6. 12 MRSA §6371, sub-§4, ¶B**, as enacted by PL 2017, c. 197, §3, is
27 amended to read:

28 B. Title 17-A, section 359, when the offense is directly related to an activity for which
29 a ~~lobster and crab fishing~~ license or certificate issued under this Part is required;

30 **Sec. 7. 12 MRSA §6371, sub-§4, ¶G**, as enacted by PL 2017, c. 197, §3, is
31 amended to read:

32 G. Title 17-A, section 802, when the offense is directly related to an activity for which
33 a ~~lobster and crab fishing~~ license or certificate issued under this Part is required;

34 **Sec. 8. 12 MRSA §6371, sub-§4, ¶H**, as enacted by PL 2017, c. 197, §3, is
35 amended to read:

36 H. Title 17-A, section 805, when the offense is directly related to an activity for which
37 a ~~lobster and crab fishing~~ license or certificate issued under this Part is required; ~~or~~

38 **Sec. 9. 12 MRSA §6371, sub-§4, ¶I**, as corrected by RR 2021, c. 2, Pt. B, §49, is
39 amended to read:

1 I. Title 17-A, section ~~207~~ 201, 202, 208, 208-B, 209, 210, 210-A ~~or~~, 211 or 213, when
2 the offense is committed against a marine patrol officer or a family member of a marine
3 patrol officer as a result of the marine patrol officer performing what the license or
4 certificate holder knows or has reason to know are the marine patrol officer's official
5 duties. As used in this paragraph, "family member" means a spouse, sibling, child's
6 spouse, parent by blood, parent by adoption, spouse's parent, child by blood, child by
7 adoption, stepchild, stepparent, grandchild or grandparent; or

8 **Sec. 10. 12 MRSA §6371, sub-§4, ¶J** is enacted to read:

9 J. Title 17-A, section 201, 202, 208, 208-B, 209, 210, 210-A, 211 or 213, when the
10 offense is directly related to an activity for which a license or certificate issued under
11 this Part is required.

12 SUMMARY

13 This bill makes the following changes to the laws governing marine resources.

14 1. It amends the law so that a conviction of any violation involving arson or aggravated
15 criminal mischief is an offense for which a marine resources license or certificate may be
16 suspended when the criminal conviction is related to any activity for which a marine
17 resources license or certificate is required.

18 2. It adds conviction of a certain violation involving offenses against a person to the
19 list of offenses for which a marine resources license or certificate may be suspended when
20 the offense is directly related to an activity for which a marine resources license or
21 certificate is required.

22 3. For administrative suspensions of a marine resources license or certificate, it amends
23 the existing suspensions for setting fire to, sinking or damaging a vessel used to carry out
24 activities authorized under a lobster and crab fishing license to any marine resources license
25 or certificate.

26 4. It amends what conduct would qualify for a suspension of a marine resources license
27 or certificate to include conduct that would constitute a violation involving theft by
28 unauthorized taking or transfer, receiving stolen property, arson and aggravated criminal
29 mischief when that conduct is directly related to an activity for which a marine resources
30 license or certificate is required.

31 5. It amends what qualifies as an offense against a marine patrol officer or a family
32 member of a marine patrol officer to include murder, felony murder, aggravated assault,
33 elevated aggravated assault and aggravated reckless conduct. It also provides that the same
34 violations against an individual when the offense is directly related to an activity for which
35 a marine resources license or certificate is required may also result in the suspension of a
36 marine resources license or certificate.