

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Transmitted by Director of Legislative Research pursuant to joint order.

N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 837

H. P. 761

House of Representatives, February 17, 1955

Referred to the Committee on Sea and Shore Fisheries, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Winchenpaw of Friendship.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT Relating to Revocation and Suspension of Licenses Issued Under Sea
and Shore Fisheries Laws.**

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

R. S., c. 38, § 127, amended. Section 127 of chapter 38 of the revised statutes is hereby amended to read as follows:

'Sec. 127. Licenses, revocation and suspension. On conviction of any person holding a license or licenses issued under the provisions of this chapter for the violation of any of the sections of this chapter, excepting sections 92 and 117, or of any rule and regulation of the Commissioner, the Commissioner may revoke or suspend any such license or licenses or right thereto, for any period not exceeding 6 months from the date of final conviction; and on conviction of a second violation of any provisions of this chapter, excepting sections 92 and 117, or of any rule and regulation of the Commissioner, the Commissioner may revoke or suspend any such license or licenses or right thereto, for any period not exceeding 9 months from the date of final conviction.

Any person whose license or licenses have been revoked under the provisions of the 1st paragraph of this section may request a hearing by the Commissioner, at which hearing all the facts concerning the violation shall be presented and the license or licenses may be reinstated.

When an appeal has been taken by any person from a sentence imposed for an alleged violation of the provisions of this chapter, or of any rules and regulations adopted by the Commissioner pursuant thereto, the Commissioner shall **not** suspend, until final disposition by the court, ~~the any license of such person to~~

conduct the particular activity in which he was engaged at the time of the alleged violation, and may suspend for the same period all licenses held by him that have been issued under authority of this chapter.

If, at the time of committing a violation of any of the provisions of this chapter or of any rules and regulations of the Commissioner, the offender shall not be the holder of a license to conduct the particular activity in which he was engaged at the time of such violation, the Commissioner shall not issue such a license to said person until 16 days have elapsed from the date of final determination of any complaint or legal proceedings instituted as a result of the violation.

On conviction of a 3rd or subsequent violation of any provisions of this chapter, excepting sections 92 and 117, or of any rule and regulation of the commissioner, the commission shall revoke or suspend any such license or licenses or right thereto, for a period of 1 year from the date of the final conviction.

Provided, however, if at the time of any conviction there has been an interval of at least 7 consecutive years from the date of the last previous conviction, the current violation shall be deemed a first violation for the purposes of this section.

Any person whose license has been suspended or revoked for violation of any provision of this chapter relating to lobsters shall remove from the water, within 5 days of such suspension or revocation, all his pots, traps, cars or other devices used or usable in the catching or holding of lobsters or crabs.'