

MAINE STATE LEGISLATURE

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'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.~~ 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 Commission, 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. **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 Commissioner may revoke or suspend any such license or licenses or right thereto, for any period not exceeding one year from the date of final conviction.**

Any person whose license or licenses have been revoked under the provisions of the first paragraph of this section may request a hearing by the Commissioner, at which hearing all the facts concerning the violation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 the decision or 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 may suspend, until final disposition by the Court, the license or right thereto 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 may issue such a license to said person at any time after 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 Commissioner may revoke or suspend any such license or licenses or right thereto, for a period of one year from the date of the final conviction.~~

When a minor has been convicted of or found guilty of juvenile delinquency as the result of a violation of the provisions of this chapter, the Commissioner may suspend or revoke the license or licenses or right thereto in the same manner and for the same period as set forth in the preceding paragraphs of this section.

~~Provided, however, if~~ It 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.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

SUMMARY STATEMENT

Paragraph 5 of Section 127, Chapter 38 of the Revised Statutes, was amended by the 98th Legislature. The intent of the amendment was to make it discretionary rather than mandatory for the Commissioner of Sea and Shore Fisheries to suspend or revoke a license on the third conviction **for a period not exceeding one year**.

The present law does not follow the intent of the Legislature inasmuch as, if a license is to be suspended or revoked on conviction of a third offense, the Commissioner **must suspend the license for one year**.

This amendment will allow the Commissioner to suspend or revoke a license on a third conviction for **any period not to exceed one year** and will also give the person the opportunity for a hearing by the Commissioner at which time the license may be reinstated.

This will follow the same procedure as provided for on a first or second conviction.