

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

# STATE OF MAINE

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

As Passed by the Ninety-eighth Legislature

At The

SPECIAL SESSIONS, OCTOBER 28-31, 1957,

JANUARY 13-16, 1958,

MAY 6-8, 1958

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## Chapter 426

### AN ACT Relating to Revocation and Suspension of Licenses under Sea and Shore Fisheries Law.

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

Whereas, under the Sea and Shore Fisheries Law for any conviction of a 3rd or subsequent violation of any Sea and Shore Fisheries Law, the Commissioner of Sea and Shore Fisheries must revoke or suspend any license issued by the Department of Sea and Shore Fisheries for a period of one year or not at all; and

Whereas, the fact that the Commissioner of Sea and Shore Fisheries has no discretion under such circumstances to revoke or suspend such license for less than one year has resulted in many injustices to licensee under the Sea and Shore Fisheries Law ; and

Whereas, such injustices should be corrected by giving the Commissioner of Sea and Shore Fisheries discretion in these matters ; and

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

*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, as revised, 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~~. 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. **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 Com-

missioner 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~~ 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.'

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

Effective October 31, 1957

## Chapter 427

### AN ACT Relating to Area Directional Signs.

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

R. S., c. 23, § 149-A, amended. Section 149-A of chapter 23 of the Revised Statutes, as enacted by chapter 419 of the public laws of 1957, is hereby amended to read as follows:

'Sec. 149-A. **Area directional signs.** In order to guide the users of the state turnpike system to the exit leading therefrom to the § 9 major recreational areas of the State, there shall be erected and maintained at strategic points on the right-of-way beside the lanes of traffic approaching the said exits, separate de-