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

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

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

Whereas, the description of a debtor's fishing boat that is used for income-generating purposes is out of date; and

Whereas, the continued use of the out-of-date description allows the attachment of fishing boats that are commonly used in commercial fishing, leading to an inability of the debtor to generate income,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

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

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

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

SUMMARY

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