

MAINE STATE LEGISLATURE

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December 26, 1945

Mr. Roscoe C. Emery
Eastport, Maine

Dear Mr. Emery:

Your letter of December 19th, addressed to the Attorney General, has been received. Due to illness he has been out of the office, although we expected his return earlier than this, hence your letter was awaiting his return. It now appears that he will not be back to the office until shortly after New Year's so, feeling perhaps you wanted something earlier, I thought I would give you my views on the subject of your letter.

This subject came up about a year ago and, in a discussion with the former Attorney General, the conclusion we reached was that under the present statute it is very doubtful whether lobster meat can be canned at all. The only section that deals with canning is §135, c.34, R. S. from which it would appear that only the whole lobster may be canned. The pertinent provision of this section -

"No person shall can lobsters
less than 3 1/8 inches in length,
alive or dead, measured in accordance
with the provisions of section 134....."

The preceding section deals with the method of shipping and transporting lobster meat after the same shall have been taken from the shell, and this provides that the tail meat shall be of the specified length and, it would appear, must be maintained in that length for shipping purposes. There is nothing about canning in this section.

It would seem to me that if the lobster meat is to be canned for commercial purposes the industry ought to have the law clarified.

Mr. Roscoe C. Emery
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The prohibitions that I have hereinbefore referred to apply equally to lobsters brought in from New Brunswick or Nova Scotia. While under the provisions of the law (See §132) a person may acquire lobsters for the purpose of shipping the same beyond the limits of the State which lobsters conform to the law in size, yet they cannot be shipped except in accordance with the provisions of "this chapter". Thus we have restriction on their shipment which must conform to the shipping and transporting of domestic lobsters.

I shall leave your letter and a copy of this letter on the desk of the Attorney General so that when he returns he will have your letter before him and my reply, and if his views differ from mine he will no doubt write you further on the subject.

Very truly yours,

Abraham Breitbard
Deputy Attorney General

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