

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1397

H. P. 1018

House of Representatives, March 9, 1971

Referred to Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Regulate Otter and Beam Trawls.

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

Sec. 1. R. S., T. 12, § 4453, amended. The first sentence of section 4453 of Title 12 of the Revised Statutes is amended to read as follows:

It is unlawful to fish for or catch lobsters from the coastal waters of the State by any method other than the conventional method of lobster traps or pots **except as provided in section 4466.**

Sec. 2. R. S., T. 12, § 4466, amended. The first sentence of section 4466 of Title 12 of the Revised Statutes, as enacted by chapter 221 of the public laws of 1969, is amended to read as follows:

It is unlawful for any person to **sell or to fish for, catch or take any lobsters for purpose of sale** by use of an otter or beam trawl ~~or~~. **It is unlawful to have in possession any lobsters on board of any boat rigged for otter or beam trawling more than 5 lobsters per crew member for their personal use or consumption** regardless of their source.

Sec. 3. R. S., T. 12, § 4466, sub-§ 1, amended. The first sentence of subsection 1 of section 4466 of Title 12 of the Revised Statutes, as enacted by chapter 221 of the public laws of 1969, is amended to read as follows:

This section shall not apply to any person who catches or takes lobsters by use of an otter or beam trawl provided said lobsters are liberated alive ~~when~~ **as soon as reasonably possible after being caught.**

STATEMENT OF FACT

The present statute prohibiting otter and beam trawls is of doubtful constitutionality and this amendment is intended to prohibit the dragging of lobsters for purposes of sale, to allow a reasonable opportunity for liberating lobsters which have been inadvertently so taken and to allow the keeping of a limited number for personal use and consumption.