

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1494

S. P. 474

In Senate, March 17, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Bernard of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Regulating Catching Lobsters for Noncommercial Home
Consumption Use.**

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

Sec. 1. R. S., T. 12, § 4404, sub-§ 6, ¶ C, additional. Subsection 6 of section 4404 of Title 12 of the Revised Statutes is amended by adding a new paragraph C, to read as follows:

C. Reports of lobsters taken. For the purpose of determining whether the number of lobsters caught in the waters of this State are increasing or decreasing during any period, every person licensed to catch and take lobsters under section 4453 shall, upon request of the commissioner, report upon blanks, furnished by the department, a record of the number and pounds of lobsters taken by such person from the waters of this State during the period for which such record is requested. Such returns shall not be made public as to source, but rather shall only be used for statistical purposes.

Sec. 2. R. S., T. 12, § 4453, repealed and replaced. Section 4453 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4453. Noncommercial lobster and crab license

A noncommercial lobster and crab license shall be granted to a person who shall take lobsters by the method called scuba diving and commonly known as "Skin Diving" provided that:

1. Home consumption. The taking of lobsters by this method shall be for home consumption only.

2. Spears prohibited. No spears or mutilating devices shall be used.
3. Legal size. The lobsters taken conform to legal size as determined by the use of the double gauge lobster measure, said measuring device to be obtained from the commissioner for use under this section.
4. Measuring. Lobsters shall be measured while the diver is fully submerged.
5. Pegged. Lobsters which are determined by the double gauge measure to be of legal size, as outlined in section 4451, shall be pegged in the large claw by the diver while fully submerged and placed inside a nylon net bag to be transported to shore.
6. Night taking prohibited. Taking of lobsters at night from June 1st to October 31st of each year, during the period $\frac{1}{2}$ hour after sunset until $\frac{1}{2}$ hour before sunrise of the following morning, shall be unlawful. From June 1st to August 31st of each year, during the period from 4 p.m., Eastern Daylight Saving Time, on Saturday to $\frac{1}{2}$ hour before sunrise of the following Monday morning it shall be unlawful for any person to take lobsters under this section.
7. Limit. Each diver holding a license under this section shall be limited to taking 8 legal size lobsters per day.
8. Prima facie evidence. The fact that a diver has more than 8 legal size lobsters in his possession on any one day or has a mutilated or female egg-bearing lobster or a lobster having a V-notch in the middle flipper of its tail shall be considered prima facie evidence of the violation of subsection 7.
9. Locations. The commissioner may after holding a public hearing in a certain location, close that area to lobstering under this section by diving due to the following reasons:
 - A. Conservation;
 - B. Experimentation or aquaculture;
 - C. Pollution;
 - D. Public safety.
10. Violations. Violation of rules, regulations or laws under this or other sections relating to lobsters and crabs shall be punishable as prescribed for their related offenses.
11. License fee. The fee for a noncommercial lobster and crab fishing license is \$10, which the applicant shall enclose with his application.
12. Lobster Fund. Five dollars of the license fee received from each applicant under this section shall be allocated to the Lobster Fund, as heretofore established.

STATEMENT OF FACT

Every Maine citizen has a right to enjoy the state's natural resources providing he obeys the laws governing those resources. This legislation on licensing provisions is designed to allow this in the taking of lobsters, legal size, limited number and in keeping with traditional conservation practices, limiting the time of day and other prohibitive acts that are more severe than present laws governing other methods of taking lobsters.