

MAINE STATE LEGISLATURE

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(EMERGENCY)
New Draft of: H. P. 526, L. D. 644
(New Title)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1360

H. P. 1226

House of Representatives, April 6, 1977

Reported by Mrs. Post from the Committee on Marine Resources, and
printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Make the Lobster Fund a Continuing Account and to Transfer
\$10,000 from the Boat Fund to the Lobster Fund.**

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

Whereas, the special session of the 107th Legislature changed the law to allow the unexpended surplus in the Lobster Fund to be transferred to the Boat Fund at the end of the calendar year; and

Whereas, that change in law has proven to be detrimental to the lobster restocking program; and

Whereas, the Lobster Fund of the Department of Marine Resources does not contain sufficient funds to purchase seed lobsters required for restocking Maine waters this summer; and

Whereas, such restocking is essential to maintain lobster population levels in the future; and

Whereas, the 90-day period prior to Acts becoming effective may not terminate until after the optimum restocking period; 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Sec. 1. 12 MRSA § 4404, sub-§ 6, as repealed and replaced by PL 1975, c. 714, is repealed and the following enacted in its place:

6. Lobster Fund. Five dollars of each license fee received for lobster and crab fishing licenses shall be allocated to the Lobster Fund as heretofore established as follows.

A. Five dollars of each lobster and crab fishing license fee shall be allocated to the Lobster Fund which shall be used for the purpose of propagation of lobsters by liberating seed and female lobsters in Maine coastal waters.

B. The commissioner may authorize the expenditure of any and all of the money in the Lobster Fund for the purpose of purchasing seed lobsters from Maine lobster pound owners and female lobsters from Maine wholesale lobster dealers. Seed lobster shall be purchased under this section at a price that is 10% above the prevailing wholesale price; and female lobsters shall be purchased at a price equal to the prevailing wholesale price. The commissioner shall have these lobsters liberated in Maine coastal waters.

C. The commissioner may undertake a tagging program to determine the migratory patterns of lobsters purchased and liberated under this section. The commissioner may authorize the expenditure of up to \$5,000 from the Lobster Fund for this tagging program.

D. Fees allocated to the Lobster Fund in any year and not used in that year may be used in any succeeding year, and the Lobster Fund shall not lapse.

Sec. 2. Transfer of funds from the Boat Fund to the Lobster Fund. The State Controller shall transfer \$10,000 from the present account of the Boat Fund to the Lobster Fund to be used for the purchase of seed lobsters as authorized under Title 12, section 4404, subsection 6, as amended.

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

STATEMENT OF FACT

The purpose of this new draft is to correct the language of the bill, and to add a provision to transfer \$10,000 from the Boat Fund to the Lobster Fund, which is necessary for restocking this summer.