

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1363

H. P. 1148

House of Representatives, March 30, 1977

On motion of Mrs. Post of Owls Head, referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

Cosponsor: Mr. McMahon of Kennebunk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Restrict the Hauling of Lobster Pots at
Night in Certain State Waters.**

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

12 MRSA § 4458-A is enacted to read:

§ 4458-A. Hauling pots at night; certain state waters

This section applies to all coastal waters within the jurisdiction of the State that are west of a line running from the active lighthouse at Two Lights in Cape Elizabeth to the Hue and Cry Buoy and continuing in a straight line through that buoy to the boundary of the state's jurisdiction, except this section shall not apply to the waters of the Piscataqua River upstream from the Memorial Bridge.

From May 1st to September 30th, it is unlawful for any person to raise, haul or transfer any pot, trap or other contrivance that is set for the taking of lobster or crabs, on Monday through Friday, during the period from 4 p.m., Eastern Daylight Saving Time, to ½ hour before sunrise of the following day, and from 4 p.m., Eastern Daylight Saving Time, on Saturday to ½ hour before sunrise of the following Monday morning. The time of sunrise shall be as established by section 4458, subsection 1.

The restrictions of this section prohibiting raising, hauling or transporting after 4 p.m. may be waived by the commissioner, deputy commissioner or chief coastal warden to allow the raising, hauling or transporting of pots, traps or other contrivances in order to protect them from possible damage by storms. These restrictions shall only be waived after receipt of a weather

forecast for "gale warnings" for the area from the National Weather Service, that predicts an offshore storm with winds in excess of 34 knots or seas in excess of 8 feet. The waiver may be granted for all or part of these waters and shall be for a specific time period.

STATEMENT OF FACT

The purpose of this bill is to further limit night hauling in the state's coastal waters south of Cape Elizabeth, and to allow waiver of all night hauling restrictions when a severe storm is predicted. The restrictions of this bill will help conserve the lobster population from over fishing.