

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 54

6  
7 H.P. 48

House of Representatives, January 15, 1985

8 Reference to the Committee on Marine Resources suggested and ordered  
9 printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Connors of Franklin.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Revise the Lobster Fund.  
18

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

21 Sec. 1. 12 MRSA §6353, as enacted by PL 1977, c.  
22 661, §5, is amended to read:

23 §6353. Hearing

24 1. Place of hearing. If a hearing is held, it  
25 shall be conducted in the Augusta area.

26 2. Evidence. At the hearing, the holder may  
27 present any evidence concerning the violation which  
28 might justify reinstatement of his license or certifi-  
29 cate, or reduction of the suspension period.

30 3. Decisions. Decisions of the commissioner  
31 shall be in writing. The commissioner may reinstate  
32 the license or certificate or reduce the suspension  
33 period if he is satisfied that to do so would be in  
34 the best interests of justice.

1           Sec. 2. 12 MRSA §6431, sub-§7, as enacted by PL  
2 1977, c. 661, §5, is amended to read:

3           7. Penalty. Possession of lobsters in violation  
4 of this section shall be a Class D crime, except that  
5 the court shall impose a fine of \$25 for each viola-  
6 tion and, in addition, a fine of \$10 for each lobster  
7 involved, up to and including the first 5, and a fine  
8 of \$30 for each lobster in excess of 5, or, if the  
9 number of lobsters cannot be determined, a fine of  
10 not more than \$1,000. If the total number of  
11 lobsters in violation of this section are equal to or  
12 greater than 20% of the total of all lobsters in his  
13 possession at the time of the offense, then the com-  
14 missioner shall suspend the license for a period of  
15 one year for the first offense, 2 years for the 2nd  
16 offense and 3 years for the 3rd offense.

17           Sec. 3. 12 MRSA §6451, sub-§2, as amended by PL  
18 1979, c. 127, §85, is further amended to read:

19           2. Purchases: liberation. The commissioner may  
20 authorize the expenditure of the money in the Lobster  
21 Fund for the purpose of purchasing seed lobsters from  
22 Maine lobster pound owners and female lobsters from  
23 wholesale seafood license holders and licensed lob-  
24 ster fishermen. The commissioner shall establish the  
25 purchase price for seed and female lobsters after  
26 consultation with the industry. The commissioner  
27 shall give priority to purchasing seed lobsters.

28           Sec. 4. 12 MRSA §6451, sub-§6 is enacted to  
29 read:

30           6. Other programs. The commissioner may under-  
31 take other conservation studies or programs with the  
32 advise and consent of the Lobster Advisory Council,  
33 providing that such programs do not exceed 25% of the  
34 fund.

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STATEMENT OF FACT

The lobster fund is currently used for purchasing seed lobsters to be liberated by the Department of Marine Resources also female nonegg bearing lobsters are purchased by the Department of Marine Resources all of which are V-notched then released, a portion of these lobsters may be tagged to determine the migratory habits of these lobsters. This bill broadens the authority of the commissioner to permit the use of a portion of the fund for other lobster studies aimed at conserving the resource.

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