

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND SPECIAL SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2407

7
8 H.P. 1714

House of Representatives, May 20, 1986

9 Received by the Clerk of the House on May 19, 1986. Referred to the
10 Committee on Marine Resources, and 1,600 ordered printed pursuant to Joint
Rule 14.

11 EDWIN H. PERT, Clerk

Presented by Representative Crowley of Stockton Springs.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Regulate the Sale of Lobster Tails.
19

20 Emergency preamble. Whereas, Acts of the Legis-
21 lature do not become effective until 90 days after
22 adjournment unless enacted as emergencies; and

23 Whereas, the lobster industry in the State could
24 suffer serious economic losses if trade in frozen
25 lobster tails is not permitted under proper supervi-
26 sion and regulation; and

27 Whereas, in the judgment of the Legislature,
28 these facts create an emergency within the meaning of
29 the Constitution of Maine and require the following
30 legislation as immediately necessary for the preser-
31 vation of the public peace, health and safety; now,
32 therefore,

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

1 12 MRSA §6862, as repealed by PL 1985, c. 129,
2 §2, is reenacted to read:

3 §6862. Lobster tail permit

4 1. Current lobster tail permit. It is unlawful
5 for any person to engage in the activities authorized
6 by a permit issued under this section without a cur-
7 rent lobster tail permit.

8 2. Permitted activity. A lobster tail permit
9 authorizes a wholesale seafood license holder to re-
10 move lobster tails in the shell from lobster under
11 the following conditions.

12 A. The lobster tails shall only be processed at
13 the establishment named in the permit.

14 B. The tails shall only come from legal sized
15 lobsters, as defined in section 6431.

16 C. All containers in which lobster tails are
17 packed to be sold, shipped or transported shall
18 be clearly labeled with the name, address and
19 permit number of the packer.

20 3. Permit limitation. A permit shall only au-
21 thorize these activities at one location or place of
22 business.

23 4. Regulations. The commissioner in accordance
24 with the Maine Administrative Procedures Act, Title
25 5, chapter 375, may adopt such regulations as are
26 deemed necessary for implementation and enforcement
27 of this section. These regulations may include provi-
28 sions for determining that lobster tails processed
29 under this section were removed from legal sized
30 lobsters and other provisions as may be deemed neces-
31 sary.

32 5. Report; repeal. The department shall report
33 in writing to the joint standing committee of the
34 Legislature having jurisdiction over marine resources
35 on the activities conducted under this section. The
36 report shall be submitted no later than January 15,
37 1988. This section is repealed on August 1, 1988.

1 **Emergency clause.** In view of the emergency cited
2 in the preamble, this Act shall take effect when ap-
3 proved.

4 STATEMENT OF FACT

5 The purpose of this bill is to reenact provisions
6 regulating the sale of lobster tails sold in the
7 shell. This trade occurs primarily in the late sum-
8 mer and fall when an abundance of culls and high
9 overall supply drives down the price of culls to un-
10 acceptable levels. The bill requires that the lob-
11 ster tails sold meet the minimum and maximum size
12 provisions of existing law.

13 This Bill was inadvertently repealed in early
14 1986. A Department of Marine Resources' report on the
15 subject indicates that there have been no enforcement
16 problems despite frequent checks by marine patrol
17 wardens of licensed establishments.

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