

MAINE STATE LEGISLATURE

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(Governor's Bill)
(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1899

H.P. 1400 House of Representatives, October 5, 1987
Received by the Clerk of the House on October 2, 1987.
Referred to the Committee on Marine Resources and 1,650
ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk
Presented by Representative RICE of Stonington.
Cosponsored by Senators MATTHEWS of Kennebec, CAHILL of
Sagadahoc, and Representative MITCHELL of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Concerning Stored Lobsters.

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3 **Emergency preamble.** Whereas, Acts of the Legis-
4 lature do not become effective until 90 days after
5 adjournment unless enacted as emergencies; and

6 Whereas, the Legislature enacted laws concerning
7 an increase in the minimum allowable size of lobsters
8 trapped; and

9 Whereas, the effective date for those laws is
10 January 1st in each year for which there is an in-
11 crease in the minimum size; and

1 Whereas, the lobster industry commonly stores
2 lobsters through the winter months which were caught
3 during the preceding calendar year; and

4 Whereas, lobsters thus stored may be legal at the
5 time stored, but not at the time sold by virtue of
6 the increase in the legal minimum size occurring dur-
7 ing the time of storage; and

8 Whereas, in the judgment of the Legislature,
9 these facts create an emergency within the meaning of
10 the Constitution of Maine and require the following
11 legislation as immediately necessary for the preser-
12 vation of the public peace, health and safety; now,
13 therefore,

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

16 12 MRSa §6431, sub-§1, ¶E is enacted to read:

17 E. There shall be a 180-day grace period follow-
18 ing the effective date of each of the minimum
19 size increases set forth in this section during
20 which a person may dispose of lobsters, caught in
21 the prior year, which do not meet the new minimum
22 size requirements. During the 180-day grace pe-
23 riod, the minimum size applicable for the immedi-
24 ately preceding year shall be in effect only for
25 lobsters caught in the preceding year.

26 Emergency clause. In view of the emergency cited
27 in the preamble, this Act shall take effect when ap-
28 proved.

1 STATEMENT OF FACT

2 The 112th Legislature enacted legislation to in-
3 crease the minimum size for lobsters in 1/32-inch
4 increments to a total 1/8-inch increase over a 5-year
5 period. The effective date of each annual change is
6 January 1st. The lobster industry commonly begins to
7 store lobsters in the fall in order to have a supply
8 during the winter and spring months when harvesting
9 activity is low. These lobsters would be caught un-
10 der the minimum size limits in effect at the time.
11 Since on January 1st the minimum size would increase
12 1/32-inch, those lobsters caught legally in the fall
13 would become illegal on January 1st.

14 This bill provides a 180-day "grace period" for
15 lobsters caught in the year preceding the change, to
16 give the industry time to market this product. With-
17 out this provision, a market for the legitimate fall
18 harvest by State's lobstermen may be in jeopardy,
19 given reluctance by Maine dealers to buy a product
20 which will become illegal.

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