

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 9

S.P. 20

In Senate, December 5, 1990

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator VOSE of Washington.

Cosponsored by Representative TOWNSEND of Eastport and Representative LOOK of Jonesboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Revise the Lobster Measure.

(EMERGENCY)



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

4
Whereas, the majority of commercial lobster fishing
6 activity begins in the spring of each year; and

8
Whereas, standardized minimum lobster sizes are essential
for full, fair and equitable commercial fisheries competition; and

10
Whereas, lack of cooperation between the United States and
12 Canadian governments has created inconsistent minimum lobster
size standards; and

14
Whereas, inconsistent minimum lobster size standards impose
16 unfair and inequitable economic barriers to persons in Maine who
harvest lobster; and

18
Whereas, in the judgment of the Legislature, these facts
20 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
22 necessary for the preservation of the public peace, health and
safety; now, therefore,

24
Be it enacted by the People of the State of Maine as follows:

26
Sec. 1. 12 MRSA §6431, sub-§1, as repealed and replaced by PL
28 1985, c. 677, §§2, 6 and 7, is amended to read:

30
1. Minimum and maximum length. It is unlawful to buy, sell,
32 give away, transport, ship or possess any lobster which that is
less than the minimum size established by this subsection or more
than 5 inches in length, as determined by the state double gauge
34 lobster measure. ~~The minimum size shall be as follows is~~ 3 3/16
inches.

36
~~A.--- Effective January 1, 1988, the minimum size shall be 3~~
38 ~~7/32 inches.~~

40
~~B.--- Effective January 1, 1989, the minimum size shall be 3~~
42 ~~8/32 inches.~~

44
~~C.--- Effective January 1, 1991, the minimum size shall be 3~~
46 ~~9/32 inches.~~

48
~~D.--- Effective January 1, 1992, the minimum size shall be 3~~
50 ~~10/32 inches.~~

50
Sec. 2. 12 MRSA §6431, sub-§1-A is enacted to read:

52
1-A. Minimum and maximum length. It is unlawful to buy,
sell, give away, transport, ship or possess any lobster that is

2 less than the minimum size established by this subsection or more
3 than 5 inches in length, as determined by the state double gauge
4 lobster measure. The minimum size is as follows.

6 A. Effective January 1, 1992, the minimum size is 3 7/32
7 inches.

8 B. Effective January 1, 1993, the minimum size is 3 8/32
9 inches.

10 C. Effective January 1, 1994, the minimum size is 3 9/32
11 inches.

14 D. Effective January 1, 1995, the minimum size is 3 10/32
15 inches.

16
17 **Sec. 3. Application.** Section 1 of this Act is repealed and
18 section 2 of this Act becomes effective when the Attorney General
19 certifies in writing that:

20
21 1. The New England Fisheries Management Council has amended
22 the American Lobster Fishery Management Plan and the United
23 States Secretary of Commerce has promulgated the appropriate
24 regulations to implement a schedule of increases in the minimum
25 legal lobster size at least as restrictive as that described
26 under section 2 of this Act;

28 2. The appropriate regulatory action by the United States
29 Secretary of Commerce has the force of law in all states or that
30 federal legislation accomplishes the same purpose; and

32 3. The Canadian government or the appropriate agency of the
33 Canadian government has implemented a schedule of increases in
34 the minimum legal lobster size that has the force of law in
35 Canada and that is at least as restrictive as that described
36 under section 2 of this Act.

38 **Sec. 4. Repeal.** Sections 2 and 3 of this Act are repealed on
39 January 1, 1992 if the conditions of section 3 of this Act have
40 not been met.

42 **Emergency clause.** In view of the emergency cited in the
43 preamble, this Act takes effect when approved.
44

46 **FISCAL NOTE**

48 The Department of the Attorney General will incur some minor
49 additional administrative costs. These costs can be absorbed
50 within existing budgeted resources.
51

2 **STATEMENT OF FACT**

4 This bill repeals the existing schedule of increases in the
6 allowable minimum lobster size and enacts a minimum lobster size
8 of 3 3/16 inches. The bill provides for a schedule of annual
10 lobster minimum size increases to become effective if the
12 Attorney General certifies by January 1, 1992 that the Canadian
14 and United States governments have implemented minimum lobster
size standards that are at least as restrictive as those set
forth in this bill. If the Attorney General certifies that this
action has occurred, the minimum lobster size would increase by
1/32 of an inch each year for 4 years beginning on January 1,
1992.