MAINE STATE LEGISLATURE

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2	L.D. 234
4	(Filing No. $s-25$)
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6	STATE OF MAINE
8	SENATE
10	115TH LEGISLATURE FIRST REGULAR SESSION
12	COMMITTEE AMENDMENT "A" to S.P. 132, L.D. 234, Bill, "An
14	Act to Delay the Minimum Lobster Gauge Increases"
16	Amend the bill by striking out everything after the title and before the statement to fact and inserting in its place the
18	following:
20	'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless
22	enacted as emergencies; and
24	Whereas, the state minimum lobster size was increased as of January 1, 1991; and
26	Whereas, the viability of the Maine lobster industry is
28	dependent upon the biological health and economic sustainability of the American lobster fisheries management area; and
30	
32	Whereas, the American lobster fisheries management area extends along the eastern seaboard of the United States and includes territorial waters of this State and 8 other states and
34	waters within the exclusive economic zone of the United States; and
36	WWY II
38	Whereas, the biological health and economic sustainability of the American lobster fishery require a uniform minimum lobster
40	size throughout the fishery; and
42	Whereas, the biological health and economic sustainability of the American lobster fishery require that increases in the minimum lobster size be implemented uniformly throughout the

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	fishery and only when such increases are necessary to sustain the
2	biological health of the lobster fishery and the productivity of the lobster industry; and
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6	Whereas, that uniformity and coordination does not now exist; and
8	Whereas, Maine lobster landings account for more than 40% of the total annual United States lobster landings; and
10	
12	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately
14	necessary for the preservation of the public peace, health and safety; now, therefore,
16	Be it enacted by the people of the State of Maine as follows:
18	Sec. 1. 12 MRSA §6431 sub-§1, as repealed and replaced by PL
20	1985, c. 677, §§2, 6 and 7, is repealed and the following enacted in its place:
22	
24	1. Minimum and maximum length. A person may not buy, sell, give away, transport, ship or possess any lobster that is less
26	than the minimum size established in this subsection or more than 5 inches in length, as determined by the state double gauge
	lobster measure. Except as provided in this subsection, the
28	minimum lobster size is 3 8/32 inches.
30	A. Upon written certification by the Attorney General under paragraph B, the minimum lobster size increases as follows:
32	paragraph b, the minimum tobster size increases as forlows:
	(1) On March 1st of the year after the year in which
34	the Attorney General issues the certification, the minimum size is 3 9/32 inches; and
36	
38	(2) On March 1st of the following year, the minimum size is 3 10/32 inches.
40	B. The Attorney General shall notify the Governor and the Legislature in writing immediately upon certifying that the
42	following conditions have been met:
44	(1) The United State Secretary of Commerce has amended
46	the Lobster Fisheries Management Measures, as set forth in 50 Code of Federal Regulations, Part 649, Subpart B,
	so that the minimum federal legal lobster size and
48	schedule of increases in the federal minimum lobster size conform to those established in this subsection;
50	and

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(2) The minimum lobster size and schedule of increases in the minimum lobster size in Connecticut, Massachusetts, New Hampshire and Rhode Island conform to those established in this subsection.

A schedule of increases adopted by the Secretary of Commerce or a state conforms to this subsection if the increases are scheduled to occur within 90 days of the increases implemented under paragraph A.

After the Attorney General certifies that the conditions of this paragraph have been met, but prior to the effective date of any increase in the minimum size under this subsection, the Commissioner of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the biological and economic effects of the scheduled increase in the minimum lobster size on the lobster fishery and the Maine lobster industry. The joint standing committee of the Legislature having jurisdiction over marine resource matters shall hold a public hearing on the commissioner's report during the legislative session and prior to the effective date of any increase in the minimum lobster size.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 1991.

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

FISCAL NOTE

The Department of the Attorney General will incur some minor additional administrative costs. These costs can be absorbed within existing budgeted resources. Also, any costs resulting from a report to the Joint Standing Committee on Marine Resources will be absorbed by the Department of Marine Resources.'

STATEMENT OF FACT

This amendment replaces the bill. The amendment establishes the state minimum lobster size at 3 8/32 inches, with 2 annual οf 1/32 οf an inch contingent upon certification by the Attorney General that the United States of Commerce and the states οf New Massachusetts, Connecticut and Rhode Island have adopted a minimum lobster size and a schedule of minimum size increases that conform to those in this amendment. The amendment strikes the schedule for minimum lobster size increases contained in the bill, the requirements for public hearings on the lobster measure and the report to the Legislature, but retains the bill's retroactivity provision. The amendment also requires

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Commissioner of Marine Resources to report to the Joint Standing
Committee on Marine Resources on the biological and economic effects of an increase in the minimum lobster size prior to the effective date of the increase.

Reported by Senator Vose for the Committee on Marine Resources. Reproduced and Distributed Pursuant to Senate Rule 12. (3/1/91) (Filing No. S-25)