

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 132, L.D. 234, Bill, "An Act to Delay the Minimum Lobster Gauge Increases"

Amend the bill by striking out everything after the title and before the statement to fact and inserting in its place the following:

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

Whereas, the state minimum lobster size was increased as of January 1, 1991; and

Whereas, the viability of the Maine lobster industry is dependent upon the biological health and economic sustainability of the American lobster fisheries management area; and

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 waters within the exclusive economic zone of the United States; and

Whereas, the biological health and economic sustainability of the American lobster fishery require a uniform minimum lobster size throughout the fishery; and

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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2 fishery and only when such increases are necessary to sustain the
3 biological health of the lobster fishery and the productivity of
4 the lobster industry; and

6 **Whereas,** that uniformity and coordination does not now
7 exist; and

8 **Whereas,** Maine lobster landings account for more than 40%
9 of the total annual United States lobster landings; and

10 **Whereas,** in the judgment of the Legislature, these facts
11 create an emergency within the meaning of the Constitution of
12 Maine and require the following legislation as immediately
13 necessary for the preservation of the public peace, health and
14 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18 **Sec. 1. 12 MRSA §6431 sub-§1,** as repealed and replaced by PL
19 1985, c. 677, §§2, 6 and 7, is repealed and the following enacted
20 in its place:

22 1. Minimum and maximum length. A person may not buy, sell,
23 give away, transport, ship or possess any lobster that is less
24 than the minimum size established in this subsection or more than
25 5 inches in length, as determined by the state double gauge
26 lobster measure. Except as provided in this subsection, the
27 minimum lobster size is 3 8/32 inches.

30 A. Upon written certification by the Attorney General under
31 paragraph B, the minimum lobster size increases as follows:

32 (1) On March 1st of the year after the year in which
33 the Attorney General issues the certification, the
34 minimum size is 3 9/32 inches; and

35 (2) On March 1st of the following year, the minimum
36 size is 3 10/32 inches.

38 B. The Attorney General shall notify the Governor and the
39 Legislature in writing immediately upon certifying that the
40 following conditions have been met:

41 (1) The United State Secretary of Commerce has amended
42 the Lobster Fisheries Management Measures, as set forth
43 in 50 Code of Federal Regulations, Part 649, Subpart B,
44 so that the minimum federal legal lobster size and
45 schedule of increases in the federal minimum lobster
46 size conform to those established in this subsection;
47 and

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2 Commissioner of Marine Resources to report to the Joint Standing
Committee on Marine Resources on the biological and economic
4 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.
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