

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 912

S.P. 331

In Senate, March 21, 1995

An Act to Make Owners Responsible for Their Abandoned Lobster Traps.

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator LAWRENCE of York. (BY REQUEST).

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

4 **Sec. 1. 12 MRSA §6446** is enacted to read:

6 **§6446. Abandoned lobster traps; removal**

8 The owner of a lobster trap left on another person's
10 property without that person's permission is liable for all costs
12 incurred by a property owner to remove the trap if:

14 **1. Notification.** The property owner notifies the trap
16 owner in writing that the trap must be removed. Notification
18 under this subsection must:

20 A. Be sent by the property owner to the trap owner not
22 later than 15 days before the trap becomes an abandoned
24 trap; and

26 B. Indicate where the trap is located and the date on which
28 that trap will become an abandoned trap; and

30 **2. Failure to remove.** The owner of the trap fails to
32 remove the trap prior to the date on which the trap becomes an
34 abandoned trap.

36 For the purposes of this section, the term "abandoned trap"
38 has the same meaning as in Title 17, section 2263, subsection 1-E.

40 **Sec. 2. 17 MRSA §2263, sub-§1-E** is enacted to read:

42 **1-E. Abandoned lobster trap.** "Abandoned lobster trap"
44 means a lobster trap left for more than 90 days on another
46 person's property without that person's permission.

48 **Sec. 3. 17 MRSA §2263, sub-§2,** as amended by PL 1993, c. 144,
§4, is further amended to read:

2. Litter. "Litter" means all waste materials including,
but not limited to, bottles, glass, crockery, cans, scrap metal,
junk, paper, garbage, rubbish, offal, feathers, except feathers
from live birds while being transported, abandoned ice-fishing
shacks, abandoned lobster traps, old automobiles or parts of
automobiles or similar refuse, or disposable packages or
containers thrown or deposited as prohibited in this chapter, but
not including the wastes of the primary processes of mining,
logging, sawmilling, farming or manufacturing.

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STATEMENT OF FACT

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This bill defines an "abandoned lobster trap" as a trap left for more than 90 days on another person's property without that person's permission. The owner of the abandoned trap is liable for the costs incurred by the property owner to remove the trap if the trap owner fails, after written notification, to remove the trap prior to the time it becomes an abandoned trap.

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