

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 373

S.P. 120

In Senate, January 25, 2005

An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan

(EMERGENCY)

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.
Cosponsored by Representatives: KAELIN of Winterport, PERCY of Phippsburg.

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

4
6 **Whereas,** the Atlantic States Marine Fisheries Commission has
voted to find Maine in noncompliance with the Interstate Lobster
Fishery Management Plan if the State does not change its lobster
laws by March 2005; and

10 **Whereas,** this legislation needs to be an emergency so that
Maine can be in compliance before the March deadline; and

12
14 **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
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

20 **Sec. 1. 12 MRSA §6431, sub-§1,** as repealed and replaced by PL
22 1991, c. 31, §1 and affected by §2, is amended to read:

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 1-A, the
28 minimum lobster size is 3 8/32 inches.

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

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

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~~
42 ~~Legislature-in-writing-immediately-upon-certifying-that-the~~
~~following-conditions-have-been-met:~~

44 ~~(1)---The--United--States--Secretary--of--Commerce--has~~
46 ~~amended-the-Lobster-Fisheries-Management-Measures,-as~~
~~set-ferth-in-50-Code-of-Federal-Regulations,-Part-649,~~
48 ~~Subpart-B,-so-that-the-minimum-federal-legal-lobster~~
~~size-and-schedule-of-increases-in-the-federal-minimum~~
50 ~~lobster--size--conform--to--these--established--in--this~~
~~subsection,-and~~

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

6
7 ~~A schedule of increases adopted by the Secretary of Commerce~~
8 ~~or a state conforms to this subsection if the increases are~~
9 ~~scheduled to occur within 90 days of the increases~~
10 ~~implemented under paragraph A.~~

11
12 ~~After the Attorney General certifies that the conditions of~~
13 ~~this paragraph have been met, but prior to the effective~~
14 ~~date of any increase in the minimum size under this~~
15 ~~subsection, the Commissioner of Marine Resources shall~~
16 ~~report to the joint standing committee of the Legislature~~
17 ~~having jurisdiction over marine resource matters on the~~
18 ~~biological and economic effects of the scheduled increase in~~
19 ~~the minimum lobster size on the lobster fishery and the~~
20 ~~Maine lobster industry. The joint standing committee of the~~
21 ~~Legislature having jurisdiction over marine resource matters~~
22 ~~shall hold a public hearing on the commissioner's report~~
23 ~~during the legislative session and prior to the effective~~
24 ~~date of any increase in the minimum lobster size.~~

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

26
27 **1-A. Most restrictive minimum size.** A person possessing a
28 valid lobster and crab fishing license and who also owns or is
29 incorporated or partnered in a vessel holding a federal limited
30 access lobster permit must comply with the most restrictive
31 minimum lobster size for all federal lobster management areas
32 declared on the federal permit, as contained in the Atlantic
33 States Marine Fisheries Commission Interstate Fishery Management
34 Plan for American Lobster, wherever the fishing activity occurs.

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

37
38
39 **SUMMARY**

40
41
42 This bill strikes existing language that prevents Maine from
43 enforcing a larger minimum size for lobster than 3 8/32 inches
44 except in the case of contingent action by the Federal Government
45 and other New England states. It adds new language that requires
46 individuals who possess both a Maine lobster and crab fishing
47 license and a federal limited access lobster permit to comply
48 with the largest minimum lobster size for all federal lobster

2 management areas declared on their licenses wherever they are fishing.