

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1593

H.P. 1131

House of Representatives, December 22, 2009

**An Act To Amend the Lobster Meat Laws and Expand Economic
Opportunity for Maine's Lobster Industry**

(EMERGENCY)

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Received by the Clerk of the House on December 18, 2009. Referred to the Committee on
Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker PINGREE of North Haven.
Cosponsored by Senator DAMON of Hancock and
Representatives: KENT of Woolwich, LANGLEY of Ellsworth, MacDONALD of Boothbay,
MAZUREK of Rockland, PENDLETON of Scarborough, PERCY of Phippsburg, PIEH of
Bremen, STRANG BURGESS of Cumberland, WEAVER of York.

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

3 **Whereas,** this legislation must take effect in the spring of 2010; and

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

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

9 **Sec. 1. 12 MRSA §6301, sub-§2, ¶Q,** as amended by PL 1999, c. 491, §1 and
10 affected by §9, is further amended to read:

11 Q. A lobster transportation supplemental license issued under section 6854 expires
12 on March 31st of each year; ~~and~~

13 **Sec. 2. 12 MRSA §6301, sub-§2, ¶R,** as enacted by PL 1999, c. 491, §2 and
14 affected by §9, is amended to read:

15 R. A wholesale seafood license with a shrimp permit issued under section 6851
16 expires on March 31st of each year; and

17 **Sec. 3. 12 MRSA §6301, sub-§2, ¶S** is enacted to read:

18 S. A lobster processor license issued under section 6851-B expires on March 31st of
19 each year.

20 **Sec. 4. 12 MRSA §6302, sub-§2,** as amended by PL 1997, c. 544, §1, is further
21 amended to read:

22 **2. Common carrier.** Carry any marine organism by a common carrier; or

23 **Sec. 5. 12 MRSA §6302, sub-§3,** as amended by PL 1997, c. 544, §1, is further
24 amended to read:

25 **3. Hermetically sealed containers.** Buy, sell, ship or transport within or beyond the
26 state limits or possess any marine organism that is in a hermetically sealed container; ~~or.~~

27 **Sec. 6. 12 MRSA §6302, sub-§4,** as enacted by PL 1997, c. 544, §1, is repealed.

28 **Sec. 7. 12 MRSA §6431, sub-§4,** as amended by PL 1985, c. 129, §1, is further
29 amended to read:

30 **4. Mutilation.** It shall be unlawful to possess any lobster, or part thereof, which is
31 mutilated in a manner which makes accurate measurement impossible, except that any
32 person, firm or corporation may possess lobster tails removed under section ~~6862~~ 6851-B.

33 **Sec. 8. 12 MRSA §6851, sub-§2-A,** as amended by PL 2007, c. 615, §21, is
34 further amended to read:

1 **2-A. Wholesale seafood license with lobster permit.** At the request of the
2 applicant, the commissioner shall issue a wholesale seafood license with a lobster permit.
3 A person holding a wholesale seafood license with a lobster permit may engage in all the
4 activities in subsection 2 and may buy, sell, process or ship lobster or properly ~~permitted~~
5 licensed or lawfully imported lobster meat or parts. A person holding a wholesale
6 seafood license with a lobster permit may transport lobster or properly ~~permitted~~ licensed
7 or lawfully imported lobster meat or parts anywhere within the state limits. A license
8 under this subsection does not authorize a person to possess or transport lobster that
9 person has taken unless that person is in possession of a license issued under section
10 6421, subsection 3-A, paragraph A, B, C or E. A license under this subsection does not
11 authorize a person to remove lobster meat from the shell unless a ~~permit~~ license under
12 section ~~6857~~ 6851-B is held.

13 **Sec. 9. 12 MRSA §6851-B** is enacted to read:

14 **§6851-B. Lobster processor license**

15 **1. License required.** A person may not engage in the activities authorized under
16 this section without a current wholesale seafood license with a lobster permit as required
17 under section 6851 and a current lobster processor license.

18 **2. Licensed activity.** A lobster processor license authorizes a person to process
19 lobsters and lobster meat for sale in accordance with rules adopted by the commissioner,
20 including, but not limited to, the appropriate fee for the license, and under the following
21 conditions:

22 A. The lobster and lobster meat may be processed only at the fixed place of business
23 named on the license;

24 B. The lobster meat or lobster parts may come from only legal-sized lobsters;

25 C. All containers in which lobster meat is packed after removal and that are to be
26 sold, shipped or transported must be clearly labeled with the lobster processor license
27 number of the packer; and

28 D. Records must be maintained at the fixed place of business named on the license.

29 The commissioner may grant waivers for specific lobster products not addressed in rules
30 that are produced by holders of lobster processor licenses. Such a waiver must be in
31 writing and must describe in detail the product that is not specified in rule.

32 **3. Exception.** A license is not required to remove lobster meat for serving in hotels
33 and restaurants if the meat is removed from the shell in a hotel or restaurant for serving
34 on the premises.

35 **4. License limited.** A lobster processor license authorizes activities under this
36 section at only one fixed place of business.

37 **5. Violation.** A person who violates this section commits a civil violation for which
38 a fine of not less than \$100 nor more than \$2,000 may be adjudged.

1 governing the handling of lobster parts and tails in order to improve the markets for the
2 lobster industry. It eliminates the lobster tail permit and fee and creates a new lobster
3 processor license to allow for increased market flexibility through the rule-making
4 process.