

# MAINE STATE LEGISLATURE

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SMG  
R.O.P.S.

L.D. 1547

Date: 5-24-11

MAJORITY

(Filing No. S-156)

MARINE RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 494, L.D. 1547, Bill, "An Act To Allow Certain Wholesale Seafood Dealers To Process Imported Lobsters"

Amend the bill in section 1 in subsection 6 in the 11th line (page 1, line 28 in L.D.) by inserting after the following: "seals." the following: 'Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.'

Amend the bill in section 2 in subsection 6-B by striking out the last blocked paragraph (page 2, lines 4 to 9 in L.D.) and inserting the following:

'This subsection takes effect November 1, 2011 and is repealed 90 days after the adjournment of the First Regular Session of the 126th Legislature.'

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 12 MRSA §6851-B, sub-§2, ¶C, as enacted by PL 2009, c. 523, §9, is amended to read:

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

Sec. 4. 12 MRSA §6851-B, sub-§2, ¶D, as enacted by PL 2009, c. 523, §9, is amended to read:

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

Sec. 5. 12 MRSA §6851-B, sub-§2, ¶E is enacted to read:

E. Notwithstanding paragraph B, the lobster meat or lobster parts may come from lobsters that are not legal-sized as provided in section 6431, subsection 6-B.

This paragraph takes effect November 1, 2011 and is repealed 90 days after the adjournment of the First Regular Session of the 126th Legislature.

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**Sec. 6. Rules.** The Commissioner of Marine Resources shall adopt or amend rules to prescribe the time, manner and method of sealing containers for the effective operation of the Maine Revised Statutes, Title 12, section 6431, subsection 6-B. The rules may include a requirement for a permit and provisions for inspection that establish a chain of custody that ensures that the lobsters were not harvested or landed in this State. The commissioner shall also adopt or amend rules to establish the method by which the department collects from a holder of a lobster processor license landings records of the amount of oversized lobsters harvested outside this State received by that lobster processor. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

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**SUMMARY**

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This amendment:

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1. Adds that the Commissioner of Marine Resources is required to adopt or amend rules to establish the method by which the Department of Marine Resources collects from the holder of a lobster processor license landings records on oversized lobsters harvested outside this State received by that lobster processor; and

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2. Repeals the exception to the processing of oversized lobsters harvested outside of this State 90 days after adjournment of the First Regular Session of the 126th Legislature.

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**FISCAL NOTE REQUIRED**

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(See attached)



Approved: 05/16/11 *MAC*

# 125th MAINE LEGISLATURE

LD 1547

LR 2154(02)

**An Act To Allow Certain Wholesale Seafood Dealers To Process Imported Lobsters**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S-156**

**Committee: Marine Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Marine Resources associated with rulemaking can be absorbed with existing staff and within existing budgeted resources.