

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1547

S.P. 494

In Senate, May 5, 2011

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

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator SNOWE-MELLO of Androscoggin.  
Cosponsored by Representative 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,** the Maine lobster processing season begins on or about May 1st; and

4           **Whereas,** that Maine wholesale seafood licensees with lobster permits are currently  
5 not allowed to perform certain activities puts them at a competitive disadvantage in  
6 relation to Canadian lobster processors and impairs their ability to open new markets for  
7 Maine lobster and to create new job opportunities for Maine workers; and

8           **Whereas,** this legislation eliminates the restrictions and it is important that this  
9 legislation take effect immediately so that business in this State is improved in the  
10 upcoming lobster season; and

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

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

16           **Sec. 1. 12 MRSA §6431, sub-§6,** as repealed and replaced by PL 1987, c. 513,  
17 §4, is amended to read:

18           **6. Exception; wholesale seafood dealer with lobster permit; rules.** This section  
19 shall does not apply to live lobsters imported ~~intact in the original crates~~ by a holder of a  
20 wholesale seafood license with a lobster permit to another wholesale seafood license  
21 holder with a lobster permit if the ~~crates~~ containers are sealed in accordance with  
22 ~~regulations~~ rules adopted by the commissioner; or to imported lobsters being shipped or  
23 transported out-of-state if they are in containers sealed in accordance with ~~regulations~~  
24 rules adopted by the commissioner. The commissioner may adopt or amend ~~regulations~~  
25 rules to prescribe the time, manner and method of sealing ~~crates~~ or containers for the  
26 effective operation of this subsection. The ~~regulations~~ rules may contain a requirement  
27 for a special permit and provisions for inspection of the ~~crates~~, containers, contents and  
28 seals.

29           **Sec. 2. 12 MRSA §6431, sub-§6-B** is enacted to read:

30           **6-B. Exception; lobster processing; rules.** A person who holds both a wholesale  
31 seafood license with a lobster permit and a lobster processor license and who possesses  
32 lobster in accordance with subsection 6 may process those imported lobsters in  
33 accordance with rules adopted by the commissioner, as long as the following criteria are  
34 met:

35           A. The lobsters are not harvested or landed in this State;

36           B. The lobsters are legal in the waters from which they were harvested; and

37           C. The lobsters are not less than the minimum size established in this section.

1 Lobster tails processed under this subsection may not be offered for sale within this State  
2 in the wholesale or retail trade. Lobster meat processed from the claws and knuckles may  
3 be sold within this State in the wholesale or retail trade.

4 The commissioner may adopt or amend rules to prescribe the time, manner and method of  
5 sealing containers for the effective operation of this subsection. The rules may include a  
6 requirement for a permit and provisions for inspection that establish a chain of custody  
7 that ensures that the lobsters were not harvested or landed in this State. Rules adopted  
8 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
9 subchapter 2-A.

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

12 B. The lobster meat or lobster parts may come from only legal-sized lobsters except  
13 as provided in section 6431, subsection 6-B;

14 **Emergency clause.** In view of the emergency cited in the preamble, this  
15 legislation takes effect when approved.

16 **SUMMARY**

17 Current law allows wholesale seafood dealers with a lobster permit to import, handle  
18 and transport lobsters that do not meet minimum or maximum length requirements. This  
19 bill allows those permit holders who also hold a lobster processing license to process  
20 those legally imported lobsters as long as the lobsters were not landed in this State and,  
21 except for the claws and knuckles, are not later sold in this State.