

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 469

H.P. 319

House of Representatives, February 14, 2013

**An Act To Allow the Commissioner of Marine Resources To
Investigate Price Fixing of Lobster**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative EVANGELOS of Friendship.
Cosponsored by Senator MAZUREK of Knox and
Representatives: CASAVANT of Biddeford, CHIPMAN of Portland, DeCHANT of Bath,
DICKERSON of Rockland, JORGENSEN of Portland, KRUGER of Thomaston,
MONAGHAN-DERRIG of Cape Elizabeth, PLANTE of Berwick.

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,** lobster price fixing may be occurring and it is crucial that the Department
4 of Marine Resources have the authority as soon as possible to investigate the matter; and

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

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

10 **Sec. 1. 12 MRSA §6052, sub-§4,** as amended by PL 2003, c. 60, §3, is further
11 amended to read:

12 **4. Research.** Serve as the primary state agency engaging in research for the
13 conservation of marine resources; and engage in all aspects of marine research, including:

14 A. Providing information on stock levels and environments of commercially and
15 recreationally valuable marine and anadromous fish organisms;

16 B. Solving particular problems that relate to the State's commercial, marine
17 recreational and anadromous fishing industry;

18 C. Providing technical and scientific information and support for all department
19 activities; and

20 D. Establishing a marine research revolving fund for soliciting and receiving funds
21 for conducting marine research. A marine research fund established under this
22 paragraph may be used only for research purposes set forth under paragraphs A and B
23 and may not be used for research specific to any one company; ~~and~~

24 **Sec. 2. 12 MRSA §6052, sub-§5,** as enacted by PL 2003, c. 60, §4, is amended to
25 read:

26 **5. Safety and security services.** Provide safety and security services in the coastal
27 waters of the State. The department shall coordinate with other local, state and federal
28 agencies when the department provides such safety and security services; and

29 **Sec. 3. 12 MRSA §6052, sub-§6** is enacted to read:

30 **6. Investigate lobster price fixing.** Investigate lobster price fixing. At the request
31 of the commissioner, the Attorney General shall provide investigatory assistance in
32 determining whether lobster price fixing has occurred or is occurring.

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

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SUMMARY

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This bill authorizes the Commissioner of Marine Resources to investigate lobster price fixing and requires the Attorney General, at the request of the commissioner, to provide investigatory assistance in determining whether lobster price fixing has occurred or is occurring.

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