

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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,** under current law a lobster caught as by-catch by a commercial fisherman
4 must be released immediately; and

5 **Whereas,** allowing those incidentally caught lobsters to be sold outside of Maine
6 can help sustain the commercial fishing industry; and

7 **Whereas,** it is important to provide financial assistance to Maine's commercial
8 fishing industry as soon as possible; and

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

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

14 **Sec. 1. 12 MRSA §6501, sub-§2,** as amended by PL 2001, c. 421, Pt. B, §25 and
15 affected by Pt. C, §1, is further amended to read:

16 **2. Licensed activity.** The holder of a commercial fishing license may fish for or
17 take fish or possess, ship, transport or sell fish that the holder has taken or take, possess or
18 sell lobsters pursuant to section 6952-A, subsection 3, paragraph C. The license
19 authorizes crew members aboard the licensee's boat when it is engaged in commercial
20 fishing to undertake these activities, if the license provides for crew members.

21 **Sec. 2. 12 MRSA §6952-A, sub-§3,** as amended by PL 2011, c. 266, Pt. A, §22,
22 is further amended to read:

23 **3. Exceptions; boats.** This section does not apply to:

24 A. A boat rigged for dragging, trawling, dredging or seining if all nets, drags and
25 dredges are removed from the boat; or

26 B. A boat rigged for netting if there are no finfish taken by gill net aboard; or

27 C. A boat participating in the federal northeast multispecies fishery under 50 Code of
28 Federal Regulations, Part 648 (2012) or successor regulations if all fishing activity
29 during the trip has occurred in the federal lobster management area Area 2/3 Overlap
30 or EEZ Offshore Management Area 3 delineated under 50 Code of Federal
31 Regulations, Section 697 (2012). A lobster taken under this paragraph may not be
32 first sold in this State.

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

1

SUMMARY

2

This bill allows the holder of a commercial fishing license while on a boat participating in the federal northeast multispecies fishery fishing exclusively in specific lobster management areas delineated under federal regulation to take, possess or sell lobsters but prohibits the first sale of those lobsters in Maine.

3

4

5