

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 1188

H. P. 1947

House of Representatives, January 13, 1942.

Referred to Committee on Sea and Shore Fisheries and 1,000 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Sleeper of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-TWO

AN ACT Regulating the Legal Length of Lobsters.

Emergency preamble. Whereas, a state of war exists between the United States and Germany, Italy, Japan and other foreign countries; and

Whereas, in the judgment of the legislature this fact creates an emergency within the meaning of section 16 of Article XXXI of the Constitution of Maine and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

P. L., 1933, c. 2, §89, amended. Section 89 of chapter 2 of the public laws of 1933, as amended, is hereby further amended to read as follows:

'Sec. 89. Legal size of lobsters and method of measurement; penalty; prohibitions; penalties. No person shall buy, or sell, give away, or expose for sale, or possess for any purpose any lobsters less than ~~3 +/16~~ $3\frac{3}{8}$ inches or more than 5 inches in length, alive or dead, cooked or uncooked, measured from the rear of the eyesocket along a line parallel to the center line of the body shell to the rear end of the body shell; and any lobster shorter than ~~3 +/16~~ $3\frac{3}{8}$ inches when caught shall be immediately liberated alive at the risk and cost of the parties taking it, under a penalty of \$5 for each

lobster so caught, bought, sold, given away, exposed for sale, or in possession, and any lobster longer than 5 inches when caught shall be immediately liberated alive at the risk and cost of the parties taking it, under a penalty of \$25 for each lobster so caught, bought, sold, given away, exposed for sale or in possession. The possession of mutilated lobsters, cooked or uncooked, shall be prima facie evidence that they are not of the required length. Measures for determining the legal length of lobsters shall be provided by the state and may be obtained from the commissioner of sea and shore fisheries at cost. No evidence shall be received in any of the courts of the state in any manner in which the length of a lobster is in question unless such length has been determined by such a measure. Whoever ships, transports, carries, buys, gives away, sells, or exposes for sale lobster meat after the same shall have been taken from the shell, without the tail meat being whole and intact, **and** not less than $4\frac{1}{4}$ inches nor more than $6\frac{1}{2}$ inches in length, when laid out straight and measured from end to end, not including the small part that is on the body end of the tail meat, shall be liable to a penalty of \$10 for each pound of meat so shipped, transported, carried, bought, given away, sold, or exposed for sale. Any person or corporation in the business of common carrier of merchandise who shall knowingly carry or transport from place to place lobster meat after the same shall have been taken from the shell, without the tail meat being whole and intact and not less than $4\frac{1}{4}$ inches nor more than $6\frac{1}{2}$ inches in length when laid out straight and measured as above provided, shall be liable to a penalty of \$50 upon each conviction thereof. All lobster meat so illegally shipped, carried, bought, given away, sold, or exposed for sale shall be liable to seizure and may be confiscated.

The commissioner in his discretion may issue permits to dealers who request them, on payment of \$10, whenever said commissioner is satisfied that said applicant for permit will take meat only from legal lobsters. Persons, firms or corporations holding permits are required to put on each package of meat the name and number of their license, place of business, date meat was taken from shell and number of pounds in package or other container and the purchaser shall be required to hold all data referring to lobster meat until the meat is sold. Any person violating the terms of his permit shall be punished by the fines and penalties provided in section 72.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.