

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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## CHAPTER 677

H.P. 1597 - L.D. 2248

### AN ACT to Improve Lobster Research and Management.

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

Sec. 1. 12 MRSA c. 606 is enacted to read:

#### CHAPTER 606

#### FISHERIES MANAGEMENT RESEARCH

#### Subchapter I

#### LOBSTER RESEARCH

#### §6141. Lobster research program

The commissioner shall establish a program of lobster research within the Bureau of Marine Sciences. The purpose of this program will be to develop reliable scientific information for use in management decisions.

1. Research. The lobster research program shall include investigation of lobster population dynamics, reproductive behavior and migration patterns. Specific attention shall be given to evaluating the impacts of the State's v-notch program on the reproductive potential of lobster stocks.

2. Policy investigations. The commissioner shall develop in the lobster research program the capacity to systematically analyze the effects of conservation and management options. The analysis includes both the biological and economic components of the fishery. Options for policy analysis include, without limitation, changes in the lobster measures, seasons, limitations on effort and limitations on entry to the fishery. Analysis of these options shall be conducted cooperatively with the industry and the Lobster Advisory Council.

3. Data collection. The commissioner shall continue the lobster fisheries data collection project undertaken by the department since 1967. Continuity of data collection shall be ensured.

4. Cooperation. The commissioner shall cooperatively develop and coordinate the lobster research program with the University of Maine and the lobster industry.

5. Report. The commissioner shall prepare an annual report to the Legislature setting out the accomplishments of the previous year and an updated, 5-year research plan for future activities with proposed budget requirements. The report shall be reviewed by the Lobster Advisory Council prior to submission to the Legislature. The report shall be submitted to the joint standing committee of the Legislature having jurisdiction over marine resources on or before January 1st of each year.

6. Funds. All federal and state funds obtained and used by the department for lobster research shall be utilized to achieve the objectives of this subchapter.

Sec. 2. 12 MRSA §6431, sub-§1, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

1. Minimum and maximum length. It is unlawful to buy, sell, give away, transport, ship or possess any lobster which is less than the minimum size established by this subsection or more than 5 inches in length, as determined by the state double gauge lobster measure. The minimum size shall be as follows.

A. Effective January 1, 1988, the minimum size shall be 3 7/32 inches.

B. Effective January 1, 1989, the minimum size shall be 3 8/32 inches.

C. Effective January 1, 1991, the minimum size shall be 3 9/32 inches.

D. Effective January 1, 1992, the minimum size shall be 3 10/32 inches.

Sec. 3. 12 MRSA §6431, sub-§3, as enacted by PL 1977, c. 661, §5, is amended to read:

3. Double gauge measure; evidentiary value. The department shall provide the State double gauge lobster measure for sale at actual cost. The measure shall have one gauge of 3 3/16 inches and another 5 inches in length. No measurement, other than by the State's double gauge lobster measure, shall may be

admissible in any court in the State. The commissioner is authorized to adjust the State double gauge lobster measure to conform to the minimum legal size in effect.

Sec. 4. 12 MRSA §6433, sub-§1-A is enacted to read:

1-A. Adjustment. Notwithstanding subsection 1, the commissioner shall specify by rule the dimensions of vents in lobster traps which shall be appropriate for the minimum legal lobster size in effect.

Sec. 5. 12 MRSA §6858, sub-§1-A is enacted to read:

1-A. Adjustment. Notwithstanding subsection 1, the commissioner shall specify by rule the legal size of lobster meat tail sections in conformity with the minimum legal lobster size in effect.

Sec. 6. Effective date. Sections 2 to 5 of this Act shall become effective when the Attorney General certifies that the following prerequisite actions have occurred:

1. That the New England Fisheries Management Council has amended the American Lobster Fishery Management Plan and the United States Secretary of Commerce has promulgated the appropriate regulations to implement a schedule of increases in the minimum legal lobster size at least as restrictive as that described in section 2 and to prohibit the possession of v-notched lobsters; and

2. That the appropriate regulatory action by the United States Secretary of Commerce has the force of law in all states or that federal legislation accomplishes the same purpose.

Sec. 7. Repeal. Sections 2 to 5 of this Act are repealed on January 1, 1988, if the conditions of section 6 have not been met.

Effective July 16, 1986.

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## CHAPTER 678

H.P. 1511 - L.D. 2131

AN ACT to Improve Compliance with Maine Tax  
Laws.