

§6431. Lobster measurement

1. Minimum and maximum length. Except as provided in subsections 1-A and 1-B, a person may not buy, sell, give away, transport, ship or possess any lobster that is less than 3 1/4 inches or more than 5 inches in length, as determined by the lobster measure certified in accordance with subsection 3.

A. [PL 2005, c. 6, §1 (RP).]

B. [PL 2005, c. 6, §1 (RP).]

C. [PL 1991, c. 31, §1 (RP); PL 1991, c. 31, §2 (AFF).]

D. [PL 1991, c. 31, §1 (RP); PL 1991, c. 31, §2 (AFF).]
[PL 2021, c. 512, §1 (AMD).]

1-A. Most restrictive minimum size. A person possessing a valid lobster and crab fishing license and who also owns or is incorporated or partnered in a vessel or vessels that hold federal limited access lobster permits must comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the federal permit designated on that person's Maine lobster and crab fishing license application, whenever the fishing activity occurs. The applicable most restrictive minimum lobster size is contained in the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster.

[PL 2005, c. 397, Pt. C, §9 (AMD).]

1-B. Compliance with interstate fishery management plan. The commissioner may adopt rules to set minimum and maximum lobster sizes different from those specified in subsection 1 when necessary to comply with changes to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over marine resources matters when initiating rulemaking pursuant to this subsection.

[PL 2021, c. 512, §2 (NEW).]

2. Method of measurement. Measurement shall be made from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell.

[PL 1977, c. 661, §5 (NEW).]

3. Certified lobster measure. The department shall use a lobster measure that is certified for accuracy by the Department of Agriculture, Conservation and Forestry, Office of Sealer of Weights and Measures. The measure must conform to the legal lobster sizes in effect at the time. Any measurement used to substantiate a violation of this section must be made with a certified lobster measure.

[PL 2011, c. 266, Pt. A, §10 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

4. Mutilation. It shall be unlawful to possess any lobster, or part thereof, which is mutilated in a manner which makes accurate measurement impossible, except that any person, firm or corporation may possess lobster tails removed under section 6851-B.

[PL 2009, c. 523, §7 (AMD).]

5. Exception for immediate liberation. No violation of this section shall occur if the illegal lobster is immediately liberated alive into the coastal waters when taken.

[PL 1977, c. 661, §5 (NEW).]

6. Exception; wholesale seafood dealer with lobster permit; rules. This section does not apply to live lobsters imported by a holder of a wholesale seafood license with a lobster permit to another wholesale seafood license holder with a lobster permit if the containers are sealed in accordance with rules adopted by the commissioner; or to imported lobsters being shipped or transported out-of-state if

they are in containers sealed in accordance with rules adopted by the commissioner. The commissioner may adopt or amend rules to prescribe the time, manner and method of sealing containers for the effective operation of this subsection. The rules may contain a requirement for a special permit and provisions for inspection of the containers, contents and seals. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 247, §1 (AMD).]

6-A. Grace period. There is a 180-day grace period following the effective date of each of the minimum size increases as provided in this section within which a person holding a wholesale or retail seafood dealer license or a lobster transportation license may handle lobsters legally purchased or received in the prior year which do not meet the new minimum size requirements.

[PL 1987, c. 550 (NEW).]

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

- A. The lobsters are not harvested or landed in this State; [PL 2011, c. 247, §2 (NEW).]
- B. The lobsters are legal in the waters from which they were harvested; and [PL 2011, c. 247, §2 (NEW).]
- C. The lobsters are not less than the minimum size established in this section. [PL 2011, c. 247, §2 (NEW).]

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

This subsection takes effect November 1, 2011.

[PL 2013, c. 301, §8 (AMD).]

7. Penalty. Possession of lobsters in violation of this section is a Class D crime, except that the court shall impose a fine of \$500 for each violation and, in addition, a fine of \$100 for each lobster involved, up to and including the first 5, and a fine of \$200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than \$1,000 or more than \$5,000.

[PL 2013, c. 468, §14 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 129, §1 (AMD). PL 1985, c. 677, §§2,3,6,7 (AMD). PL 1987, c. 513, §4 (AMD). PL 1987, c. 550 (AMD). PL 1991, c. 31, §1 (AMD). PL 1991, c. 31, §2 (AFF). PL 1995, c. 491, §1 (AMD). PL 1999, c. 82, §1 (AMD). PL 2005, c. 6, §§1,2 (AMD). PL 2005, c. 397, §C9 (AMD). PL 2009, c. 394, §6 (AMD). PL 2009, c. 523, §7 (AMD). PL 2011, c. 247, §§1, 2 (AMD). PL 2011, c. 266, Pt. A, §§9, 10 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). PL 2013, c. 301, §8 (AMD). PL 2013, c. 468, §14 (AMD). PL 2021, c. 512, §§1, 2 (AMD).

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