

§6436. Egg-bearing lobsters; v-notched lobsters

1. Egg-bearing and v-notched lobsters. A person may not take, transport, sell or possess:

A. Any lobster that is bearing eggs; or [PL 2003, c. 452, Pt. F, §9 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Any female lobster marked with a v-notch in the right flipper next to the middle flipper or any female lobster that is mutilated in a manner that could hide or obliterate that mark. The right flipper is determined when the underside of the lobster is down and its tail is toward the person making the determination. [PL 2003, c. 452, Pt. F, §9 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §9 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Exceptions. No violation of this section shall occur if:

A. The lobster is immediately liberated alive into the coastal waters when taken or discovered in a pound; or [PL 1977, c. 661, §5 (NEW).]

B. The lobster is possessed and sold to the department by a lobster pound owner who has a permit to do so as provided in this section. [PL 1977, c. 661, §5 (NEW).]

[PL 1977, c. 661, §5 (NEW).]

3. Permitted possession; regulations. The commissioner may issue a permit for the holding and delivery of egg-bearing lobsters to the department by a lobster pound owner who holds a current wholesale seafood license. The commissioner may adopt regulations governing the issuing of permits and the conditions and limitations under which these lobsters may be held and delivered.

[PL 1977, c. 661, §5 (NEW).]

4. Prima facie evidence.

A. Discovery of an egg-bearing lobster by a marine patrol officer in a pound not included in a permit under section 3 shall be prima facie evidence of a violation. [PL 1979, c. 541, Pt. B, §73 (AMD).]

B. Any lobster whose right flipper is v-notched or mutilated in a manner which could hide or obliterate such a mark shall be prima facie evidence that the lobster is a v-notched female lobster. [PL 1977, c. 661, §5 (NEW).]

[PL 1979, c. 541, Pt. B, §73 (AMD).]

5. Penalty for possession of egg-bearing lobsters. Possession of lobsters in violation of subsection 1, paragraph A is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 6, the court shall impose a fine of \$1,000 for each violation and, in addition, a fine of \$200 for each lobster involved, up to and including the first 5, and a fine of \$400 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than \$2,500 or more than \$10,000.

[PL 2019, c. 113, Pt. C, §12 (AMD).]

6. Penalty for possession of v-notched lobsters. Possession of lobsters in violation of subsection 1, paragraph B is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 6, 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 \$400 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 2019, c. 113, Pt. C, §13 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 433, §9 (AMD). PL 1999, c. 82, §3 (AMD). PL 2003, c. 452, §F9 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 394, §§10, 11 (AMD). PL 2013, c. 468, §§19, 20 (AMD). PL 2019, c. 113, Pt. C, §§12, 13 (AMD).

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