

§6434. Molesting lobster gear

A person may not raise, lift, transfer, possess or in any manner molest any lobster trap, warp, buoy or car except as provided in this section. [PL 2003, c. 520, §5 (AMD).]

1. Permitted activities. Lobster traps, warps, buoys and cars may be raised, lifted, transferred, possessed or otherwise molested by the following:

A. A marine patrol officer; [PL 1989, c. 428 (NEW).]

B. The licensed owner; [PL 1989, c. 428 (NEW).]

C. Any person having written permission from the commissioner; and [PL 2003, c. 520, §5 (AMD).]

D. Any person authorized by rule pursuant to subsection 2. [PL 1989, c. 428 (NEW).]
[PL 2003, c. 520, §5 (AMD).]

2. Adoption of rules required. The commissioner shall adopt rules, no later than January 1, 1990, authorizing the removal of traps, warps, buoys or cars that are washed up above the mean low tide mark or are otherwise abandoned or lost. Notwithstanding Title 25, sections 3502 and 3503, the commissioner may dispose of such traps, warps, buoys or cars, or authorize their disposal, if the owner cannot be identified or if the owner has been notified and fails to respond within 30 days.
[PL 2011, c. 266, Pt. A, §13 (AMD).]

3. Using another's lobster gear; prohibition. Traps, warps, buoys or cars may not be used for fishing by any person other than the licensed owner unless that person has written permission from the commissioner.
[PL 2007, c. 283, §1 (AMD).]

3-A. Penalty. A person who violates this section commits a Class D crime.
[PL 2017, c. 197, §11 (AMD).]

4. Restitution. If a person violates this section by cutting a lobster trap line, the court shall:

A. Order that person to pay to the owner of the trap line that was cut an amount equal to twice the replacement value of all traps lost as a result of that cutting; and [PL 2007, c. 695, Pt. A, §15 (RPR).]

B. Direct that person to provide proof of payment of that restitution to the commissioner as required by section 6402, subsection 1. [PL 2007, c. 695, Pt. A, §15 (RPR).]

Restitution imposed under this subsection is in addition to any penalty imposed under subsection 3-A.
[PL 2009, c. 561, §17 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1989, c. 428 (RPR). PL 1993, c. 543, §2 (AMD). PL 2003, c. 520, §5 (AMD). PL 2007, c. 201, §15 (AMD). PL 2007, c. 283, §§1-3 (AMD). PL 2007, c. 695, Pt. A, §15 (AMD). PL 2009, c. 561, §17 (AMD). PL 2011, c. 266, Pt. A, §13 (AMD). PL 2017, c. 197, §11 (AMD).

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