

HOUSE No. 738

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral and Paul A. Schmid, III

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act further regulating the processing of lobsters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/18/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/18/2019</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/1/2019</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>1/30/2019</i>

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By Messrs. Cabral of New Bedford and Schmid of Westport, a petition (accompanied by bill, House, No. 738) of Antonio F. D. Cabral, Paul A. Schmid, III and others for legislation to further regulate the processing of lobsters. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act further regulating the processing of lobsters.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 44 of Chapter 130 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the third paragraph and inserting in place
3 thereof the following paragraph:-

4 If the measurement of a lobster taken from 1 or the other eye sockets is of the required
5 length, the lobster shall be a legal lobster. In a prosecution under this section, mutilation of a
6 lobster that affects its measurement pursuant to this section shall be prima facie evidence that the
7 lobster was or is shorter than the required length; provided, however, that the director shall, by
8 regulation approved by the marine fisheries advisory commission, allow the on-shore processing
9 of live lobsters of legal length into frozen, shell-on lobster parts or tails; and the importation of
10 unfrozen shell-on lobster parts or tails, for the purpose of further processing by wholesale dealers
11 that are licensed by the department of public health under section 77G of chapter 94.

12 Processed frozen shell-on lobster parts or tails may be possessed, sold or offered for sale
13 by a wholesale dealer, retail dealer or food establishment and may be possessed by a consumer
14 as a food product.

15 The processing, possession or sale of frozen or unfrozen lobster tails under this section
16 shall be limited to lobster tails that weigh not less than 3 ounces. The packaging of processed
17 frozen or unfrozen shell-on lobster parts or tails under this section as a food product shall be
18 labeled in accordance with applicable federal and state laws.

19 This section shall not apply to a common carrier in possession of lobsters for the purpose
20 of transporting lobsters.

21 SECTION 2. This act shall take effect on April 1, 2019 during which time the division of
22 marine fisheries shall promulgate regulations, in accordance with recommendations from the
23 2012 division of marine fisheries report entitled, "Analysis of Laws, Regulations and Policies
24 Pertaining to the Processing, Possession and Sale of Processed Frozen Lobster Parts," to
25 maintain enforcement of conservation rules and to ensure only legally sized lobsters are taken.