

SENATE No. 488

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 regulating the processing of lobsters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/24/2017</i>

SENATE No. 488

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 488) of Bruce E. Tarr and Susan Williams Gifford for legislation to regulate the processing of lobsters. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act 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 is hereby amended by
2 striking out the third paragraph, as appearing in section 107 of chapter 38 of the acts of 2013, and
3 inserting in place thereof the following paragraph:-

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

13 possessed, sold or offered for sale in the commonwealth by any wholesale dealer, retail dealer or
14 food establishments and such food product may be possessed by a consumer. The processing,
15 possession or sale of frozen or unfrozen lobster tails pursuant to this section shall be limited to
16 lobster tails weighing 3 ounces or more. The packaging of processed frozen or unfrozen shell-on
17 lobster parts or tails pursuant to this section as a food product shall be labeled in accordance with
18 applicable federal and state laws and regulations. This section shall not apply to common carriers
19 having lobster in possession for the purpose of transportation.

20 This section shall take effect on April 1, 2017 during which time the Division of Marine
21 Fisheries shall promulgate regulations, in accordance with recommendations from the 2012
22 Division of Marine Fisheries report entitled, "Analysis of Laws, Regulations and Policies
23 Pertaining to the Processing, Possession and Sale of Processed Frozen Lobster Parts," to
24 maintain enforcement of conservation rules and to ensure only legally sized lobsters are taken.