
Chap. 151

SECTION 2. This act shall take effect upon its passage.

Approved June 19, 1998.

Chapter 152. AN ACT RELATIVE TO THE REMOVAL OF EGGS FROM FEMALE LOBSTERS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 130 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word "law", in line 5, the following words:- or regulations promulgated by the division.

SECTION 2. Said chapter 130 is hereby further amended by striking out section 41, as so appearing, and inserting in place thereof the following section:-

Section 41. Any person who takes, sells or has in possession any female lobster bearing externally attached eggs shall be punished for the first offense by a fine of not less than \$150 nor more than \$500 for every such lobster and for a subsequent offense by a fine of not less than \$500 nor more than \$1,000 for every such lobster, or by imprisonment for not less than 60 days nor more than six months, or both such fine and imprisonment. A person who takes any such lobster and immediately returns it alive to the waters from which it was taken shall not be subject to such penalty. This section shall not apply to lobsters extruding eggs in fish cars or pounds if they are immediately liberated alive in the coastal waters, nor to the taking or possession of lobsters as provided in section 43.

SECTION 3. Said chapter 130 is hereby further amended by striking out section 41A, as so appearing, and inserting in place thereof the following section:-

Section 41A. Any person who takes, sells or has in his possession any female lobster from which the eggs have been removed by means other than natural hatching, shall be punished for the first offense by a fine of not less than \$250 nor more than \$1,000 for every such lobster and for a subsequent offense by a fine of not less than \$1,000 nor more than \$2,000 for every such lobster, or by imprisonment for not less than 90 days nor more than one year, or both such fine and imprisonment. Detection on a female lobster of any substance capable of removing attached eggs or of physical evidence that attached eggs have been removed by a method other than by natural hatching shall be prima facie evidence that a violation of this section has occurred. Any environmental police officer, deputy environmental police officer or the director or his designee may, in the performance of his duties, remove one or more appendages from any lobster for testing purposes.

Approved June 19, 1998.