

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2206

H. P. 1747

House of Representatives, January 2, 1974

Referred to the Committee on Marine Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Lewis of Pemaquid.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Clarify the Law Relating to Fishery Inspection.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 12, § 4302-B, sub-§ 2, amended. The 7th paragraph of subsection 2 of section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971 and the 8th paragraph, as enacted by section 2 of chapter 109 of the public laws of 1973, are repealed and the following enacted in placed thereof:

The commissioner or his agent shall have the right to temporarily suspend the right to process fish or fishery products at any establishment, in accordance with the regulations promulgated under this section, for a period not to exceed 24 hours. This right may be exercised by the commissioner or his agent whenever he determines that a processor or his agent acts in violation of any regulation adopted under authority of this section.

The commissioner or his agent shall have the right, upon written notice to the owner or manager of the establishment affected, to embargo any fish or fishery product in that establishment. The embargo shall remain in effect so long as the commissioner or his agent has reason to believe that the health of the public is endangered or may be endangered.

Sec. 2. R. S., T. 12, § 4302-B, sub-§ 12, amended. The first paragraph of subsection 12 of section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971, is amended to read as follows:

Whoever violates or continues to violate any provision of this section or regulation thereof after being denied a certificate, permit or authorization to process fish or fishery products, or whoever, after having had such certificate, permit or authorization revoked or suspended, continues to process any fish or fishery product, shall be punished in accordance with ~~section 3752, subsection 8~~ ~~section 4504~~. ~~Each set of effective regulations may contain, at the commissioner's discretion, a separate and additional penalty.~~

STATEMENT OF FACT

The bill will eliminate certain existing ambiguities and vagueness in existing shellfish sanitation statutes.