

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1731

6
7 H. P. 1742 Office of the Clerk of the House
8 Submitted by the Department of Marine Resources pursuant to
9 Joint Rule 24.
10 Reference to the Committee on Marine Resources suggested and
1,400 ordered printed.

EDWIN H. PERT, Clerk
11 Presented by Representative Vose of Eastport.
12

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-TWO
17

18 **AN ACT to Clarify Fish Inspection Responsibilities.**
19

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

21 **Sec. 1.** 12 MRSA §6102, 3rd and 4th sentences, as
22 amended by PL 1979, c. 672, Pt. A, §50, is further amended to
23 read:

24 The program may include provisions similar to those of
25 section 6856, shellfish sanitation and certificate, and
26 section 6101, voluntary fish products inspection program,
27 including any additional inspection, licensing and certifi-
28 cation requirements that are necessary to insure proper
29 sanitation and quality control. The commissioner may adopt
30 or amend regulations prescribing the minimum standards for
31 establishments and for sanitation and quality control of the
32 processing of any marine organism or its products.

1 **Sec. 2.** 12 MRSA §6103 is enacted to read:

2 §6103. Implementation of fish product or shellfish inspec-
3 tion programs

4 The Commissioner of Agriculture, Food and Rural
5 Resources and the Commissioner of Marine Resources shall
6 cooperate in implementing any fish product or shellfish
7 inspection programs.

8 **Sec. 3.** 22 MRSA §2152, sub-§4-A, last sentence, as
9 enacted by PL 1979, c. 672, Pt. A, §52, is amended to read:

10 Eating establishments, as defined in section 2491, subsec-
11 tion 7, fish and shellfish processing establishments
12 inspected under Title 12, section 6101, 6102 or 6856, stor-
13 age facilities for one kind of native produce, such as apple
14 warehouses, potato warehouses or carrot warehouses, and
15 establishments, such as farm stands primarily selling fresh
16 produce, not including dairy and meat products, are not con-
17 sidered food establishments required to be licensed under
18 section 2167.

19 Statement of Fact

20 This bill would eliminate the duplicative licensing and
21 inspection provisions concerning fish processing plants
22 under Department of Agriculture, Food and Rural Resources
23 and Department of Marine Resources laws.

24 Section 1 reestablishes the Commissioner of Marine
25 Resources' power to regulate sanitation procedures in both
26 finfish and shellfish processing plants, thereby empowering
27 the commissioner to regulate both sanitation and quality
28 control procedures.

29 Section 2 requires cooperation between the Departments
30 of Agriculture, Food and Rural Resources and Marine
31 Resources in implementing fish and shellfish inspection pro-
32 grams, so as to eliminate duplicative inspection efforts in
33 fish and shellfish processing plants.

34 Section 3 exempts fish and shellfish processing plants
35 from Department of Agriculture, Food and Rural Resources
36 food establishment licenses, presently required by Title 22,
37 section 2167, so long as such fish processing plants are
38 inspected under Title 12, section 6101, 6102 or 6856. Any
39 fish processing plant which is not inspected by the Depart-
40 ment of Marine Resources would still be required to obtain a

1 Department of Agriculture, Food and Rural Resources license
2 pursuant to Title 22, section 2167, in order to insure that
3 the plant meets basic sanitation standards.