

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1745

H.P. 1244

House of Representatives, May 16, 2019

An Act Regarding the Tagging and Sale of Shellfish

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.

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

2 **Sec. 1. 12 MRSA §6625, sub-§1**, as amended by PL 2005, c. 434, §5, is further
3 amended to read:

4 **1. Tagging required.** The holder of a ~~commercial shellfishing~~ license issued under
5 section 6601, 6731, 6732, 6745 ~~or~~ 6746 or 6810-B shall identify shellstock the license
6 holder has taken by means of a harvester's tag. The tag must be consistent with the
7 format required by the department under rules adopted to meet this requirement. Each
8 container of shellstock must be tagged in accordance with department rules. The tag
9 must accompany the harvested product while the product is in wholesale or retail
10 commerce within the State.

11 **Sec. 2. 12 MRSA §6810-B, sub-§4**, as enacted by PL 2017, c. 296, §9, is
12 amended to read:

13 **4. Licensed activities; shellfish.** The holder of an aquaculture license or authorized
14 representative of the holder of an aquaculture license may remove, possess, transport
15 within the state limits or sell to a wholesale seafood license holder certified under section
16 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A cultured
17 shellfish the holder has removed from the leased area described in the holder's lease
18 issued under section 6072, 6072-A or 6072-B or cultured shellfish the holder has cultured
19 pursuant to a license issued under section 6072-C or under Title 7, section 1501. Such a
20 holder of an aquaculture license may also sell such shellstock from that license holder's
21 home in the retail trade. A holder of an aquaculture license who is also the holder of a
22 lease issued under section 6072 or 6072-A or that holder's authorized representative may
23 sell such shellstock from the holder's lease site in the retail trade. The department shall
24 establish by rule a means to identify personnel and authorized representatives operating
25 under the authority of such a license holder. Rules adopted pursuant to this subsection
26 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

27 **Sec. 3. 12 MRSA §6856, sub-§1**, as amended by PL 2017, c. 224, §2, is further
28 amended to read:

29 **1. Shellfish sanitation certificate.** A person may not undertake the processing,
30 buying, selling, shipping, transporting or shucking of shellfish or whole scallops without
31 a shellfish sanitation certificate issued by the department or a valid, current certificate
32 issued by a jurisdiction recognized by the Interstate Shellfish Sanitation Conference or
33 successor organization, unless authorized under section 6701 or 6702. A person may
34 engage in activities only to the extent authorized by the certificate held by the person.
35 The commissioner may issue a shellfish sanitation certificate to a wholesale seafood
36 license holder or a shellfish transportation license holder that authorizes the holder to
37 undertake the activities expressly authorized therein, which may include buying and
38 selling, shipping, transporting, shucking or other processing of shellfish or whole
39 scallops. A wholesale seafood license or shellfish transportation license is also necessary
40 to undertake the activities authorized under those licenses. A shellfish sanitation
41 certificate does not authorize a person to undertake any of the activities for which a

1 permit is required pursuant to subsection 2-A. Beginning June 1, 2018, the fee for a
2 shellfish sanitation certificate is \$50.

3 **Sec. 4. 12 MRSA §6856, sub-§2-A, ¶D**, as enacted by PL 2017, c. 224, §2, is
4 amended to read:

5 D. A person may not use a vehicle to transport ~~soft-shelled clam shell stock~~
6 shellstock purchased at a location other than the establishment or vehicle authorized
7 under the license without a shellfish buying station permit. Beginning June 1, 2018,
8 the fee for a shellfish buying station permit is \$100.

9 **SUMMARY**

10 This bill makes changes to the laws governing shellfish sales and handling to ensure
11 compliance with the National Shellfish Sanitation Program in the protection of public
12 health and to create additional flexibility in shellfish sales. The bill:

13 1. Requires a person who holds an aquaculture license to tag that person's shellfish in
14 accordance with Department of Marine Resources rules;

15 2. Expands the buying station permit to include other species of shellfish besides
16 soft-shelled clams, including mussels, quahogs and oysters;

17 3. Allows aquaculture license holders to sell shellfish to an enhanced retail certificate
18 holder in addition to a wholesale seafood license holder;

19 4. Requires a person who holds a land-based aquaculture license to acquire an
20 aquaculture license to sell shellfish from the person's land-based aquaculture facility; and

21 5. Clarifies that a shellfish sanitation certificate issued by a jurisdiction recognized
22 by the Interstate Shellfish Sanitation Conference allows a person to process, buy, sell,
23 ship, transport or shuck shellfish or whole scallops.