

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 144

S.P. 80

In Senate, January 14, 2025

An Act to Create a Limited Retail Seafood Harvester Certificate

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 black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator RENY of Lincoln.

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

2 **Sec. 1. 12 MRSA §6852**, as amended by PL 2023, c. 207, §§17 to 19, is further
3 amended to read:

4 **§6852. Retail seafood license**

5 **1. License required.** A person may not engage in the activities authorized under
6 subsection 2 without a retail seafood license or other license issued under this Part
7 authorizing the activities.

8 **2. License activity.** Except as provided in ~~subsection~~ subsections 2-A, 2-B and 2-C,
9 the holder of a retail seafood license may, in the retail trade, buy, sell, transport, ship or
10 serve:

11 A. Shellstock, which must be purchased from a wholesale seafood license holder
12 certified under section 6856;

13 D. Crayfish;

14 F. Lobsters; and

15 G. Any marine organism that is purchased directly from a harvester licensed under this
16 Part.

17 A holder of a retail seafood license when buying directly from a harvester may buy only
18 from a harvester who possesses the license or permit for that species as required under this
19 Part. The harvester shall make the applicable marine resources license or permit available
20 for inspection upon the retail seafood license holder's request.

21 **2-A. Enhanced retail certificate authorized.** The holder of a retail seafood license
22 may obtain an enhanced retail certificate from the department. The holder of an enhanced
23 retail certificate may, in the retail trade within the state limits, buy, sell, transport, ship or
24 serve:

25 A. Shellstock bought from a commercial shellfish license holder licensed under section
26 6601;

27 B. Shellstock bought from a surf clam boat license holder licensed under section 6602;

28 C. Shellstock bought from a mahogany quahog license holder licensed under section
29 6731;

30 D. Shellstock bought from a hand-raking mussel license holder licensed under section
31 6745 or a mussel boat license holder licensed under section 6746; and

32 E. Shellstock bought from an aquaculture license holder licensed under section
33 6810-B.

34 For the purposes of inspection or collection of samples, the commissioner or the
35 commissioner's agent may access an establishment or part thereof in which activities
36 authorized under this certificate are conducted by a person holding a retail seafood license.
37 Denial of access is grounds for suspension or revocation of a retail seafood license under
38 the provisions of section 6372. The holder of an enhanced retail certificate may not
39 designate a vehicle as that person's establishment.

1 **2-B. Endorsements.** The holder of a retail seafood license buying directly from a
2 harvester must obtain an endorsement from the department for the species being bought if
3 the license to harvest that species requires the harvester to comply with an electronic
4 reporting requirement. The department shall provide endorsements to license holders at no
5 cost in accordance with rules adopted under subsection 6.

6 **2-C. Limited retail seafood harvester certificate authorized.** The holder of a retail
7 seafood license may obtain a limited retail seafood harvester certificate from the
8 department. The holder of a limited retail seafood harvester certificate may, in the retail
9 trade within state limits, sell, transport and serve shellstock taken by the primary owner
10 listed on the retail seafood license as long as the primary owner is also a:

11 A. Commercial shellfish license holder licensed under section 6601;

12 B. Surf clam boat license holder licensed under section 6602;

13 C. Mahogany quahog license holder licensed under section 6731;

14 D. Hand-raking mussel license holder licensed under section 6745 or a mussel boat
15 license holder licensed under section 6746; or

16 E. Aquaculture license holder under section 6810-B.

17 For the purposes of inspection or collection of samples, the commissioner or the
18 commissioner's agent may access the vehicle in which activities authorized under this
19 certificate are conducted by a person holding a retail seafood license. Denial of access is
20 grounds for suspension or revocation of a retail seafood license under the provisions of
21 section 6372.

22 **3. License limited.** A license authorizes activities pursuant to subsection 2 at only
23 one establishment or with only one vehicle.

24 **3-B. Certificate limited.** An enhanced retail certificate authorizes activities pursuant
25 to subsection 2-A at only one establishment. A limited retail seafood harvester certificate
26 authorizes activities pursuant to subsection 2-C with only one vehicle.

27 **4. Fee.** The fee for a retail seafood license under subsection 1 is \$100. The fee for an
28 enhanced retail certificate under subsection 2-A is \$100 and must be deposited in the
29 Shellfish Fund under section 6651. The fee for a limited retail seafood harvester certificate
30 under subsection 2-C is \$100 and must be deposited in the Shellfish Fund under section
31 6651.

32 **5. Violation.** A person who violates this section commits a civil violation for which
33 a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

34 **6. Rules.** The commissioner may adopt or amend rules that establish requirements for
35 retail seafood license holders ~~and~~, enhanced retail certificate holders and limited retail
36 seafood harvester certificate holders concerning:

37 A. The minimum sanitation standards for establishments and vehicles;

38 B. The sanitation and quality control standards for shellfish and whole scallops and
39 their products;

40 C. The methods for handling, shipping and transporting of shellfish and whole
41 scallops;

- 1 D. The records and reports of purchases, shipping and transporting of shellfish and
- 2 whole scallops;
- 3 E. The labeling or marking of shipments of shellfish and wholesale scallops;
- 4 F. The protection of public health; and
- 5 G. Endorsements under subsection 2-B.

6 Rules adopted pursuant to this subsection must be based on the particular operational
7 requirements of each activity, the most recently adopted federal sanitation standards and
8 the most recent generally accepted research data and must be designed to protect the public
9 health and safety while allowing reasonable use of shellfish and whole scallops. Rules
10 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
11 375, subchapter 2-A.

12 **SUMMARY**

13 This bill creates a limited retail seafood harvester certificate, which may be attached to
14 a retail seafood license. This certificate allows the holder to sell shellstock the holder has
15 taken from only one vehicle identified on the holder's license. This certificate is available
16 for a fee of \$100, which must be deposited in the Shellfish Fund.