

MAINE STATE LEGISLATURE

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not sent

January 16, 1952

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To Ronald W. Green, Chief Warden, Sea and Shore Fisheries
Re: Lobster Meat (Section 120, Chapter 34, R. S. 1944)

This office has your memo of January 8, 1952, in which you request interpretation of Section 120 of Chapter 34, R. S. 1944. You ask the following questions relative to the functioning of Section 120.

Question #1. "Is it legal to sell at retail or wholesale in this State canned Canadian lobster meat, if the same is processed and canned in Canada and sealed in hermetically sealed containers?"

Answer. It is our opinion that under the provisions of Section 120 lobster meat processed and canned in Canada may not be sold at retail or wholesale in the State of Maine, with the possible exception of sale to a seafood processor for processing and sealing for resale as processed stews, newburghs and chowders in the retail trade.

Question #2. "Paragraph 4, exception. . Does the term 'any person' as used in this paragraph mean that those without a permit may cut up and can lobster meat?"

Answer. Yes; but he must have a license as provided in Section 91 of Chapter 34, R. S. 1944. This section (Sec. 120) of course refers to the tail section of lobster meat. However, it is felt that the license granted under Section 91 should permit a processor to remove meat from the shell for canning purposes without the necessity of having a permit as required by Section 120.

Question #3. "Under section 120 just who may can lobster meat?"

Answer. Under Section 120 anyone may can lobster meat who has procured a license to do so. Paragraph 4 of Section 120 merely provides that the only instances where cut-up lobster tails may be used are in hotels, restaurants, by seafood processors and meat in interstate commerce or that to be used immediately by the processor or by himself and family consumption.

James G. Frost
Assistant Attorney General

jgf/c