

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1638

S. P. 563

In Senate, January 6, 1970

The Committee on Sea and Shore Fisheries suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Hanson of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

**AN ACT to Improve Sanitary Standards to Stop Unlawful Sales of
Shucked Shellfish.**

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

Sec. 1. R. S., T. 12, § 4302, sub-§ 2, ¶¶ C, D, additional. Subsection 2 of section 4302 of Title 12 of the Revised Statutes is amended by adding 2 new paragraphs, C and D, to read as follows:

C. The licensee must have an intrastate shellfish shucking permit as provided by section 4307 if he removes clams, quahogs, oysters or mussels from the shell for sale to stores, restaurants or other dealers in the intrastate trade.

D. A licensee must have either a current intrastate shellfish shucking permit or have a current seafood dealer's license with a current special authorization under section 4302-A to sell shucked shellfish to stores, restaurants or other dealers in the intrastate trade.

Sec. 2. R. S., T. 12, § 4302-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 4302-A, to read as follows:

§ 4302-A. Special authorization to sell shucked shellfish

The holder of a wholesale seafood dealer's license or any applicant for such license who wishes to be authorized to sell shucked shellfish to stores, restaurants or other dealers in the intrastate trade may apply to the commissioner for such authorization pursuant to this section.

1. Application. The commissioner shall provide the blank application forms and the completed application must contain the following:

A. It must be signed by the applicant;

B. It must show the exact location where the shellfish will be stored, if any, and it must give a description including serial numbers, if any, of all the vehicles, boats or aircraft which will be used to transport the shellfish to be sold.

2. Issuance of special authorization. The commissioner may issue the authorization if he is satisfied that the premises where the shellfish are to be stored, if any, and the vehicles, boats and aircrafts to be used to transport said shellfish conform to the sanitary standards recommended by the United States Public Health Service and conform to the laws and regulations of the State of Maine, and if he is satisfied that the shucked shellfish to be sold will conform to the standards of purity and quality recommended by the United States Public Health Service and conform to the laws and regulations of the State of Maine.

A. The commissioner shall adopt regulations, after public hearing, setting forth the minimum standards and requirements consistent with necessary standards for the premises where said shellfish shall be stored and vehicles, boats or airplanes on which they will be transported under this section. Notice of the public hearing must be published once at least 7 days before the hearing in the state paper. The regulations adopted after the hearing must be published in the state paper 7 days before they become effective. They may be amended or repealed at any time by the commissioner after like notice and publication.

3. Contents of special authorization. If the commissioner grants a special authorization he shall grant same in written form which form shall bear the name of the licensee, his wholesale seafood dealer's number, the location of the premises where the shellfish are to be stored and a description of the vehicles, boats or airplanes authorized to transport same.

4. Expiration of special authorization. The special authorization offer provided in this section expires at the same time as the wholesale dealer's license for which it was issued, unless sooner revoked or suspended.

5. Suspension of special authorization. The commissioner may suspend for any period of time any special authorization issued by him pursuant to this section, or the right to obtain such a special authorization whenever he determines that any of the provisions of law or regulations governing the sale, shipment or transportation of clams, quahogs, oysters or mussels or the provisions of law regulating or governing the premises where the shucked shellfish are stored have been violated.

A. The commissioner may suspend any special authorization issued under this section under the procedure set forth in section 4309, subsection 5, as amended.

6. Authorization of holder. The special authorization entitles the holder to sell shucked shellfish to stores, restaurants or other dealers in the intrastate trade, provided that the shucked shellfish were purchased from the holder of an intrastate shellfish permit as provided in section 4307.

Sec. 3. R. S., T. 12, § 4307, amended. Section 4307 of Title 12 of the Revised Statutes is amended by adding after the 2nd paragraph, a new paragraph, as follows:

It is unlawful for any person, firm or corporation to sell shucked clams, quahogs, oysters or mussels to any store, restaurant or dealer, in the intrastate trade, or cause the same to be done, without having either a current intrastate shellfish permit as provided in this section or a current wholesale seafood dealer's license with a current shucked shellfish authorization pursuant to section 4302.