

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 907

H. P. 702

House of Representatives, February 15, 1973

Referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Shute of Stockton Springs.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Clarify the Law Relating to Fishery Inspection.

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

Sec. 1. R. S., T. 12, § 4302-B, sub-§ 2, amended. The 2nd paragraph of subsection 2 of section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971, is amended to read as follows:

The commissioner shall adopt such regulations after public hearing. 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 **once, at least** 7 days before they become effective. They may be amended or repealed at any time by the commissioner after like notice, hearing and publication.

All regulations promulgated in accordance with this section, which were published in the state paper at least once, shall be considered legal and effective.

It shall not be necessary to republish, in the state paper, an entire set of regulations in the event of amendment, addition or deletion thereto. Only those changes adopted in accordance with this subsection must be published.

Sec. 2. R. S., T. 12, § 4302-B, sub-§2, amended. Subsection 2 of section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971, is amended by adding a new paragraph at the end to read as follows:

The commissioner or his agent shall have the right to embargo indefinitely any fish or fishery product in any establishment whenever it is determined that the health of the public may be endangered.

Sec. 3. R. S., T. 12, § 4302-B, sub-§ 12, amended. Subsection 12 of section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971, is further amended by adding a new paragraph at the end to read as follows:

Whoever processes any fish or fishery product in any establishment, in violation of any effective law or regulations, without first obtaining a certificate, permit or authorization for that purpose, shall be punished in accordance with section 4504.

Sec. 4. R. S., T. 12, § 4302-B, sub-§ 13, additional. Section 4302-B of Title 12 of the Revised Statutes, as enacted by section 2 of chapter 248 of the public laws of 1971, is amended by adding a new subsection 13 to read as follows:

13. Products embargoed and condemned. The commissioner or his agent shall indefinitely embargo, condemn or order to be destroyed any fish or fishery product in any establishment whenever it is determined that the product is of unsound quality, contains any filthy, decomposed or putrid substance, or may be poisonous or deleterious to health, or otherwise unsafe. The commissioner and his agent shall cooperate with those state and federal agencies, having similar responsibility, in the protection of public health, in enforcing the order to embargo, condemn or destroy.

In the event that any fish or fishery product in any establishment is embargoed, condemned or ordered destroyed, the commissioner or his agent shall, as soon thereafter as practical, notify the owner, in writing, of the amount and kind of fish or fishery product embargoed, condemned or destroyed.

STATEMENT OF FACT

The purpose of this Act is reflected in the title.