

# MAINE STATE LEGISLATURE

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(New Title)  
(New Draft of S. P. 845, L. D. 2386)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2575

S. P. 937

In Senate, March 13, 1974

Reported by Senator Danton of York, from Committee on Marine Resources and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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AN ACT to Regulate Sale and Processing of Crawfish.

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

R. S., T. 12, § 4452, repealed and replaced. Section 4452 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4452. Sale of crawfish; imitation lobster

It is unlawful for any person, firm or corporation to buy, sell, offer for sale, serve, process, deal in, ship or transport in any manner crawfish, so called, as defined in section 3401, without having a current license from the commissioner as provided in this section.

1. Exceptions. The provisions of this section do not apply in the following instances:

A. To the transportation of crawfish by a person who possesses them for the purpose of consumption by himself and his family;

B. To the shipping or transportation of crawfish covered by this section by a common carrier engaged in carrying freight on a fixed schedule within or without the State, provided the crawfish are received by the common carrier at one of his regular established places of business within the State, on land for receiving freight, and the receptacle containing the crawfish is plainly marked in accordance with regulations of the commissioner established under authority of this section.

2. License designations, general scope.

A. The license, designated as a wholesale crawfish dealer's license, entitles the holder, as a wholesale dealer, to buy, sell, offer for sale, serve, process, ship and transport crawfish within the limits of the State.

B. The license, designated as a retail crawfish dealer's license, entitles the holder, as a retail dealer only, to buy, sell, offer for sale, serve, ship and transport crawfish within the limits of the State.

3. Application; license fees. A person, firm or corporation may make application to the commissioner for a crawfish dealer's license on forms furnished by the commissioner.

A. The fee for a retail crawfish dealer's license is \$50, which the applicant shall submit with his application.

B. The fee for a wholesale crawfish dealer's license is \$150, which the applicant shall submit with his application.

C. A separate license is required for each market, hotel, restaurant, store or other place where crawfish is served, bought or sold, and for each boat or vehicle used to transport such crawfish.

D. In addition to the other requirements of this section, any licensee dealing in crawfish in any form shall give a bond, in a penal sum not to exceed \$50,000, in an amount to be fixed by the commissioner, and with such sureties as may be approved by the commissioner, to secure the State against any loss or expense connected with or arising from the importation, storage, trade, processing, freezing or other dealing in crawfish in violation of this section.

4. It is unlawful for any person to possess in the State, crawfish meat which has been removed from the shell, except that hotels and restaurants may remove such meat from the shell on the premises immediately prior to and for the purpose of serving it to customers.

A. If crawfish meat removed from the shell is found under refrigeration in a hotel, restaurant or in any other place, it shall be prima facie evidence that the meat was not immediately to be served to customers.

B. If any amount of lobster, or any other crustacean meat, which does not meet the legal length requirements for lobster, as established by section 4455, is found in possession of any person or in any place of business, it shall be prima facie evidence that it is illegal lobster meat and will be subject to the penalty as provided by section 4455.

5. Mix or commingle. It is unlawful for any person, firm or corporation to mix or commingle crawfish in any form with lobster (*Homarus Americanus*) or to possess such a mixture or to cause or allow it to be done.

6. List, label or advertise. It is unlawful for any person, firm or corporation to list, label, advertise, sell, offer for sale or represent for the purpose of sale crawfish, so called, as lobster (*Homarus Americanus*) or imitation

lobster, unless the country or state of origin is clearly disclosed or the listing, labelling or advertising is designed to clearly and affirmatively reflect the product being offered for sale.

7. **Monthly reports.** Any licensee dealing in crawfish shall make a record of all purchases, processing and sales of crawfish on forms supplied by the department and shall file those records with the department monthly. All records filed pursuant to this section shall be confidential and not open to public inspection. The records and reports must contain the following information:

A. The amount, by volume or weight, of crawfish brought into the State and the country or state of its origin;

B. The nature of the processing, if any, by the licensee; and

C. The amount by volume or weight of crawfish sold within the State, and the amount by volume or weight of crawfish sold to purchasers outside the State and the name of the common carrier transporting the product.

8. **Records.** Any person, firm or corporation licensed under this section shall make records available to a coastal warden on demand.

9. The commissioner shall from time to time establish such rules and regulations as may be necessary for the supervision and control of licensees dealing in crawfish and to protect the interests of the State in the conduct, management and operation of the business of a licensee dealing in crawfish to assure compliance with this section. The commissioner shall follow the procedure of section 3505 in adopting regulations authorized by this section.

10. **Penalty.** Whoever violates any provisions of this section shall be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment for not more than 90 days, or by both.

#### STATEMENT OF FACT

The purpose of this bill is reflected in the title and is intended to permit the sale of crawfish in the State, subject to the limitations contained in this Act. The Department of Marine Resources is empowered to regulate such sales.