

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 104, L.D. 359, Bill,  
"AN ACT Relating to the Sale of Crawfish."

Amend said Bill by striking out everything after the  
enacting clause and inserting in place thereof the following:

'Sec. 1. 12 MRSA §4302, 1st sentence, is amended to read:  
It is unlawful for any person, firm or corporation to engage  
in the wholesale trade in any fish, shellfish, lobsters,  
crawfish, crabs, or parts thereof, or to process, preserve  
or can them in any manner for sale in the wholesale trade  
without holding a current written license from the commissioner  
as provided in this section.

Sec. 2. 12 MRSA §4302, sub-§2, as last amended by PL 1973,  
c. 663, §6, is further amended to read:

2. License designation; general scope. The license,  
designated as a wholesale seafood dealer's and processor's  
license, entitles the holder when and where it is otherwise  
lawful, to buy and sell, both wholesale and retail, to serve,  
process, preserve, pickle, cook, freeze, smoke or can for  
sale, all species of fish, shellfish, lobsters, crawfish  
and crabs, subject to the following provisions.

A. The licensee must in addition have a permit as  
provided by section 4402, if he removes lobster meat  
or crawfish from the shell.

B. The licensee must have a shellfish shucking certificate  
as provided by section 4302-B, if he removes clams,  
quahogs or mussels from the shell for shipment beyond the  
limits of the State.

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Sec. 3. 12 MRSA §4302-C is enacted to read:

§4302-C. Wholesale licensee dealing in crawfish

1. Monthly reports. A wholesale 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.

C. The amount, by volume or weight, of crawfish sold within the State and the name of the purchaser 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.

2. Wholesale licensees. It shall be unlawful for a wholesale licensee dealing in crawfish to:

A. Ship, transport or attempt to ship or transport crawfish within the State, or cause the same to be done, unless the containers are marked in plain and distinct letters and numbers with such information as the commissioner may require by regulation to carry out the purposes of this subchapter and subchapter IV.

B. Mix or comingle, or permit or allow the mixing or comingling of, crawfish, in any form, with lobster, whether or not removed from the shell.

3. Rules and regulations. 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 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.

Sec. 4. 12 MRSA §4303, 1st sentence is amended to read: It is unlawful for any person, firm or corporation to buy, sell, offer for sale, serve, ship or transport in any manner any clams, quahogs, crawfish, crabs, lobsters, or parts thereof, without having a current written license from the commissioner as provided in this section.

Sec. 5. 12 MRSA §4303, sub-§2, 1st sentence, is amended to read: The license, designated as a retail seafood dealer's license, entitles the holder, as a retail dealer only, to buy, sell, offer for sale, serve, ship and transport clams, quahogs, crawfish, crabs and lobsters, or parts thereof, within the limits of the State.

Sec. 6. 12 MRSA §4303, sub-§3, ¶B is amended to read:

B. A separate license is required for each market, hotel, restaurant, store or other place where clams, quahogs, crawfish, crabs, lobsters, or parts thereof, are served

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or sold in the retail trade, and for each boat or vehicle used to transport such marine species.

Sec. 7. 12 MRSA §4303, sub-§4, 1st sentence, is amended to read:

This section applies to clams, quahogs, crawfish, crabs, lobsters, or parts thereof, in any form whatever, whether the same are cooked or uncooked, are in or out of the shell, are alive or canned, or frozen or preserved in any manner.

Sec. 8. 12 MRSA §4402 is amended to read:  
§4402. Removal of lobster meat or crawfish meat from shell

It is unlawful for any person, firm or corporation to remove lobster meat or crawfish meat from the shell for sale without a current permit issued by the commissioner, except as provided in this section.

1. Dealer may obtain permit; fee. Any person, firm or corporation licensed as a dealer under sections 4302 or 4303 may be granted a permit to remove lobster meat or crawfish meat from the shell upon written application to the commissioner and the payment of a fee of \$10.

2. Permittee may remove meat from shell with limitations.  
The permit entitles the holder to remove lobster meat or crawfish meat from the shell subject to the following provisions.

A. It is unlawful to remove the meat from the shell of either lobsters or crawfish at any place other than the permittee's place of business as stated in the permit.

B. ~~The~~ Lobster meat must come from legal sized lobsters.

C. Tail sections of lobster meat must be removed from the shell whole and intact.

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3. Permittee may sell, transport, ship, possess meat with limitations. The permit entitles the holder to sell, to transport within the State, to ship anywhere, or to have in his possession lobster meat and crawfish meat, when and where it is otherwise lawful to do so, subject to the following provisions.

A. The Lobster meat must come from legal sized lobsters.

B. The Lobster meat must conform to section 4455.

C. The Lobster meat must be kept in marked containers as provided in section 4454.

D. The requirements of section 4302-A, subsection 1, paragraph C and subsection 2 must be complied with for crawfish meat.

4. Unlawful to ship, transport or possess lobster meat or crawfish meat not removed under permit; exceptions. It is unlawful for any person, firm or corporation to ship, transport or possess any lobster meat or crawfish meat which has been removed from the shell for sale, unless the meat was removed from the shell by the holder of a permit provided in this section.

A. This subsection does not apply to a common carrier nor to meat passing through this State under the authority of laws of the United States.

5. Exception for hotels and restaurants. No permit is required to remove lobster meat or crawfish meat for serving in hotels and restaurants, provided the meat is removed on the premises, and lobster meat or crawfish meat which has been removed from the shell in a hotel or restaurant for serving on

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the premises may be legally possessed by the hotel or restaurant.

6. Prima facie evidence meat removed for sale. If any lobster meat or crawfish meat which has been removed from the shell is found on the premises of any place of business which is engaged in the selling, serving, processing or transporting of food in any form for human consumption, it is prima facie evidence that the meat was removed for sale.

Sec. 9. 12 MRSA §4452, as repealed and replaced by PL 1973, c. 763, is repealed and the following enacted in place thereof: §4452. Sale of crawfish; imitation lobster

1. Sales. It is unlawful for any person to sell, offer for sale or represent for the purpose of sale crawfish, so called, as native or Maine lobster. It is unlawful to list, label or advertise as lobster or imitation lobster, any fish in any form whatsoever, whether cooked or uncooked, in or out of the shell, alive or fresh, canned, frozen or preserved in any manner, except the species of lobster commonly known as Homarus Americanus, unless such listing, labeling or advertising clearly discloses the country or state of origin of the product or the listing, labeling or advertising is designed to clearly and affirmatively reflect the identity and nature of the product being offered for sale.

2. Rules and regulations. The commissioner shall from time to time establish such rules and regulations as may be necessary to assure compliance with this section. The commissioner shall follow the procedure of section 3505 in adopting

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regulations authorized by this section.

3. Penalty. Whoever violates any provisions of this section shall be punished by a fine of not less than \$50 nor more than \$1,000 or by imprisonment for not more than 90 days, <sup>by</sup> or both.

Statement of Fact

The purpose of this amendment is to regulate the sale and processing of crawfish.

Reported by the Minority of the Committee on Marine Resources.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 15, 1975. (Filing No. S-154).