

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
SENATE  
107TH LEGISLATURE

S. 4  
D OF R

SENATE 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.

D O E R

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.

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 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 §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 species of fish in either a canned, frozen or fresh state, 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 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 regulations authorized by this section.

D C E R

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

4. Penalty. Whoever violates any provision 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.

(Graffam)

NAME

COUNTY: Cumberland

Reproduced and distributed pursuant to Senate Rule 11-A.

May 28, 1975. (Filing No. S-219).