

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1621

H. P. 1340

House of Representatives, April 2, 1975

On Motion of Mr. Greenlaw of Stonington referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Post of Owls Head.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Establish Statutory Provisions for a Retail
Seafood Dealer's License.

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

12 MRSA § 4402-B is enacted to read:

§ 4402-B. Retail seafood dealer's license

1. License required. It is unlawful for any person to sell, offer for sale, buy for resale, serve, ship or transport in any manner crabs, lobsters or parts thereof without having a retail seafood dealer's license from the commissioner as provided in this section.

2. General scope of license. The license entitles the holder as a retail dealer to buy, sell, offer for sale or serve crabs or lobsters or parts thereof within the limits of the State only to the consumers thereof.

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

A. To the transportation of the marine species, or parts thereof covered by this section, by a person who possesses them for the purpose of consumption by himself and his family;

B. To the transportation or selling by a properly licensed fisherman of the particular marine species which his particular fishing license authorizes him to take or catch;

C. To the shipping or transportation of the marine species, or parts thereof, covered by this section by a common carrier engaged in carrying freight on a fixed schedule within or without the State, provided as follows:

(1) The particular marine species, or parts thereof, are received by the common carrier at one of his regular established places of business on land for receiving general freight; and

(2) The receptacle containing the particular marine species, or parts thereof, is plainly marked in accordance with the law.

D. This section shall not apply in any respect to any clams, quahogs, oysters or mussels in the retail trade.

4. Marine species in any form; exception.

A. This section applies to fish, lobsters, crabs, or parts thereof in any form whatever, whether or not cooked, removed from the shell, alive or processed in any manner.

B. Exception. Stores may possess, buy or sell any of the marine species or parts thereof covered by this section which are in hermetically sealed containers without being required to obtain a retail shellfish dealer's license.

5. Application; license fees. A person may apply to the commissioner for a retail seafood dealer's license on forms furnished by the commissioner.

A. The license fee of \$10 shall be submitted with the application.

B. A separate license and fee is required for each market, hotel, restaurant, store or other place where clams, quahogs, oysters or mussels, or parts thereof, are served or sold in the retail trade.

6. General licensing provisions shall apply. Section 3751 applies to a retail seafood dealer's license.

7. Cross reference. For the requirements of the retail shellfish license see section 4314.

STATEMENT OF FACT

This bill establishes statutory provisions for a retail seafood dealer's license.