

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1622

H. P. 1341

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 Wholesale Seafood Dealer's
and Processor's License.

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

12 MRSA § 4402-A is enacted to read:

§ 4402-A. Wholesale seafood dealer's and processor's license

1. License required. It is unlawful for any person to engage, in whole or in part, within this State, in the wholesale trade of, or in the shipment or transportation of or in the processing for sale in the wholesale trade of any clams, mussels, quahogs, oysters, or parts thereof, without holding a wholesale seafood dealer's and processor's license from the commissioner as provided in this section.

2. Exceptions.

A. This section does not apply to the smoking of alewives or herring as smoked herring or bloaters, nor to the sale of same.

B. This section does not apply to the processing of any clams, oysters, quahogs, or mussels.

3. General scope of license. The license entitles the holder, when and where it is otherwise lawful, to buy and sell both wholesale and retail, to ship or transport, to serve and to process for sale all fish, lobsters or crabs. The licensee must, in addition, have a permit as provided by section 4402, if he removes lobster meat from the shell.

4. Scope of license for shipment and transportation. The following provisions apply to the licensee's authority to ship and transport marine species:

A. The licensee may ship and transport all species of fish, except lobsters, within and without the limits of the State.

B. The licensee may ship and transport lobsters within the limits of the State.

C. The licensee may ship, but not transport, lobsters beyond the limits of the State.

5. Sale to dealer is a sale in wholesale trade. Any sale to either a wholesale seafood dealer or processor or to a retail seafood dealer is a sale in the wholesale trade and is unlawful, unless the seller is licensed in accordance with this section.

6. License fees and supplemental licenses.

A. The fee for a wholesale seafood dealer's and processor's license is \$50.

B. The holder of a wholesale seafood dealer's and processor's license must obtain from the commissioner a supplemental license for each place of business and each vehicle used to transport any marine species covered by this section. The fee for each supplemental license is \$10.

7. General licensing provisions shall apply. Section 3751 applies to a wholesale seafood dealer's and processor's license.

8. Cross-reference.

A. The general licensing provisions of sections 3751 to 3755 apply to licenses obtained under this section.

B. For the requirements of the wholesale shellfish license see section 4313.

STATEMENT OF FACT

This Act establishes provisions for a wholesale seafood dealer's and processor's license.