

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE (Filing No. H-1158)  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 2131, L.D. 2277, Bill,  
"AN ACT Concerning Shellfish Licensing."

Amend said Bill in section 1, by striking out in sub-  
section 9 of that part designated "§3401." the underlined  
words "for use" and inserting in place thereof the follow-  
ing underlined words: 'or unsafe for human consumption'

Further amend said Bill in section 1, by striking out  
all of subsection 19 of that part designated "§3401." and  
inserting in place thereof the following:

'19. Fish, the noun. "Fish" means any marine specie  
excluding shellfish, lobster and crak .'

Further amend said Bill in section 1, by striking out  
all of subsection 23 of that part designated "§3401." and  
inserting in place thereof the following:

'23. Harvesting. "Harvesting" means the digging or  
taking of shellfish.'

Further amend said Bill in section 1, in subsection 26  
of that part designated "3401" by inserting  
after the underlined word "activities" and before the period  
the following: 'and includes but is not limited to license -  
certificate, permit and license '

Further amend said Bill in section 1, by striking out  
everything after the underlined word "mean" in subsection 37

of that part designated "§3401." and inserting in place thereof the following: 'to change marine species or marine organisms into a marketable form as distinguished from its natural state including but not limited to manufacturing, preserving, freezing, drying, cooking, shucking, <sup>steaming,</sup> shelling, canning and packing and storing or holding any marine species or parts thereof.'

Further amend said Bill in section 1 by inserting after subsection 37 of that part designated "§3401." a new subsection to read:

'37-A. Product. "Product" means any species made available for human consumption in its natural or processed state.'

Further amend said Bill in section 1 by inserting in subsection 49 of that part designated "§3401." at the end before the period the following: '<sup>,</sup>whether within or outside the State'

Further amend said Bill in section 1 by striking out all of subsection 57 of that part designated "§3401." and inserting in place thereof the following:

'57. Tidal waters. "Tidal waters" means all waters of the State within the rise and fall of the tide and within the marine limits of the jurisdiction of the State; but it does not include waters within or above any fishway or dam when that fishway or dam is normally the dividing line between tidewater and fresh water, nor does it include waters above any tidal bound that has been legally established in streams flowing into the sea.'

Further amend said Bill by striking out all of section 2.

Further amend said Bill in section 5 by striking out the underlined last sentence of that part designated "§3751." and inserting in place thereof the following underlined sentence: 'Therefore, the Legislature intends, by chapters 401 to 417, to provide legislation to enable the Commissioner of Marine Resources to effectively regulate the processing, harvesting, taking, fishing, shipping, transporting, buying and selling of marine organisms in the State.'

Further amend said Bill in section 5 by striking out in the 3rd sentence of subsection 1 of that part designated "§3752." the underlined words "signed consent" and inserting in place there of the following underlined words: 'notice that the applicant by his signature on the application consents'

Further amend said Bill in section 5 by striking out all of subsection 2 of that part designated "§3752."

Further amend said Bill in section 5 by striking out in the last sentence of subsection 1 of that part designated "§3753." the first underlined word "Any" and inserting in place thereof the following underlined word: 'That'

Further amend said Bill in section 5 by striking out in the 2nd line (same in L.D.) of subsection 2 of that part designated "§3753." the underlined word "written"

Further amend said Bill in section 5 by inserting at the end of subsection 3 of that part designated "§3753." a new sentence to read:

'Any refusal to permit inspection as provided in this subsection shall be a violation of this chapter.'

Further amend said Bill in section 5 by striking out at the end of the first sentence of subsection 4 of that part designated "§3753." the underlined words "any license of that person" and inserting in place thereof the following underlined words: 'the license or licenses of that person which license the act or activities engaged in at that place of business where the refusal to permit inspection was made.'

Further amend said Bill in section 5 by striking out in the 4th line (3rd line in L.D.) of subsection 1 of that part designated "§3756." the underlined words and punctuation "is of un<sup>5</sup>sound quality,"

Further amend said Bill in section 5 by striking out in the 5th line (4th line in L.D.) of subsection 1 of that part designated "§3756." the underlined word "deleterious" and inserting in place thereof the following underlined word: 'harmful'

Further amend said Bill in section 5 by striking out in the 2nd sentence of subsection 1 of that part designated "§3756." the underlined words "and his deputy"

Further amend said Bill in section 5 by striking out in the 2nd sentence of paragraph A of subsection 2 of that part designated "§3757." the underlined words "the state ←paper" and inserting in place thereof the following underlined words and punctuation: 'two newspapers published daily with general, statewide circulation'

Further amend said Bill in section 5 by inserting in the 5th line (same in L.D.) of paragraph A of subsection 2 of that part designated "§3757.:" after the underlined word "public" the following underlined words: 'and members of the fisheries' industry'

Further amend said Bill in section 5 by inserting at the end of paragraph A of subsection 2 of that part designated "§3757." a new sentence to read:  
'The commissioner, shall by February /<sup>1st</sup> of each session of the Legislature, submit the regulations to the Legislature for review.'

Further amend said Bill in section 17 by inserting after subsection 2 of that part designated "§4312." a new subsection to read:

'2-A. Resident requirements. This license may be issued by the Commissioner to any person who has been a legal resident of the State ← → for 6 months next prior to the date of his application.'

Further amend said Bill in section 17 by striking out all of subsection 2 of that part designated "§4314." and inserting in place thereof the following:

'2. Exceptions. The licensing provisions of this section do not apply:

A. To the smoking or sale of alewives or herring, as smoked herring or bloaters;

B. To the holder of a lobster and crab fishing license;

C. To the holder of a commercial fishing license; or

D. To fish, shellfish, lobsters and crabs or other marine species not used for human consumption.

Further amend said Bill in section 17 by inserting in the 4th line (3rd line in L.D.) of subsection 1 of that part designated §4315." after the word "lobsters" the following new underlined words and punctuation: ', shrimp, scallops'

Further amend said Bill in section 17 by striking out at the end of subparagraph (2) of paragraph D of subsection 2 of that part designated "§4315." the underlined word "or"

Further amend said Bill in section 17 by inserting at the end of paragraph E of subsection 2 of that part designated "§4315." the underlined word "or"

Further amend said Bill in section 17 by inserting at the end of subsection 2 of that part designated "§4315." a new paragraph to read:

'F. To fish, shellfish, lobsters and crabs or other marine species not used for human consumption.'

Further amend said Bill in section 17 by striking out in the next to the last line (same in L.D.) of subsection 1 of that part designated "§4316." the/word "subsection" and inserting in place thereof the following underlined word: 'section'

Further amend said Bill in section 17 by striking out in the next to the last line (same in L.D.) of subsection 1 of that part designated "§4317." the underlined word "subsection" and inserting in place thereof the following underlined word: 'section'

Further amend said Bill in section 17 by striking out the first paragraph of that part designated "§4318." and inserting in place thereof the following underlined paragraph:

'Twenty-five percent of all the license fees received from commercial shellfish licenses, wholesale shellfish license - certificates, nonresident import licenses and non resident export licenses as provided in sections 4312, 4313, 4316 and 4317 shall be allocated to the Shellfish Fund, as heretofore established. The remaining 75% of the fees shall be allocated to the General Fund.'

Further amend said Bill by renumbering the sections to read consecutively.

Statement of Fact

This amendment clarifies definitions and language in the bill.

Reported by the Majority of the Committee on Marine Resources.

Reproduced and distributed under the direction of the Clerk of the House.  
3/30/76

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