

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 201, L.D. 281, Bill, "An Act to Amend Certain Provisions of the Marine Resources Laws"

Amend the bill by striking out all of sections 6 to 8 and inserting in their place the following:

Sec. 6. 12 MRSA §6745, sub-§4, as enacted by PL 1987, c. 328, §3, is amended to read:

4. Exception. In any one day, any person may take or possess not more than 2 bushels of shell mussels ~~or 4 quarts of shucked mussels~~ for personal use without a mussel license.

Sec. 7. 12 MRSA §6746, sub-§4, as enacted by PL 1987, c. 328, §3, is amended to read:

4. Exception. In any one day, any person may take or possess not more than 2 bushels of shell ~~mussel or 4 quarts of shucked~~ mussels for personal use without a mussel license.

Sec. 8. 12 MRSA §6851, sub-§2, ~~¶¶~~B and C, as enacted by PL 1977, c. 661, §5, are amended to read:

B. Within or beyond the state limits, buy, sell, ~~process or shuck, pack,~~ ship, or within the state limits, transport fresh or frozen shellfish to the extent these activities are expressly authorized by a shellfish certificate issued under section 6856; ~~or~~

C. Buy, sell, process, ship or, within the state limits, transport lobster and properly permitted or lawfully imported lobster meat or parts. This license shall not authorize removing lobster meat from the shell unless a permit under section 6857 is held; ~~or~~

Sec. 9. 12 MRSA §6851, sub-§2, ¶D is enacted to read:

D. Buy, sell, process, ship or, within the state limits, transport crayfish.

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Sec. 10. 12 MRSA §6852, sub-§2, ¶¶B and C, as enacted by PL 1977, c. 661, §5, are amended to read:

B. Shucked shellfish, if they are bought from a wholesale seafood license holder certified under section 6856; or

C. Lobster parts or meat, if they are properly permitted under section 6857, or have been lawfully imported; or

Sec. 11. 12 MRSA §6852, sub-§2, ¶D is enacted to read:

D. Crayfish.

Sec. 12. 12 MRSA §6861, as amended by PL 1987, c. 513, §9, is repealed.

Sec. 13. 12 MRSA §6861-A is enacted to read:

§6861-A. Permitted and prohibited activities for crayfish dealers

1. Meat. Crayfish meat is subject to the following prohibitions.

A. It is unlawful to possess crayfish meat removed from the shell except as follows:

(1) For immediate personal consumption;

(2) For the purpose of serving the meat immediately to a customer;

(3) Under refrigeration and in its original container, clearly labeled as crayfish, with the country or state of origin clearly disclosed; or

(4) Mixed with other food if receipts are available to prove the product is crayfish.

A violation of this paragraph is subject to the general penalty provisions of section 6204.

B. It is prima facie evidence that lobster or crayfish meat is illegal lobster meat if the crayfish or lobster meat is outside the shell; is not in its original container and clearly labeled as crayfish, with the country or state of origin clearly disclosed; and:

(1) Does not meet the legal length requirements for lobster established in section 6858; or

(2) Is unmixed with any other food and there are no receipts available to prove the product is crayfish.

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A violation of this paragraph is subject to the penalties provided by section 6858.

2. Mix or commingle. It shall be unlawful to mix or commingle crayfish in any form with lobster or to possess such a mixture or to cause or allow it to be done.

3. List. It shall be unlawful to list, label, advertise, sell, offer for sale or represent, for the purpose of sale, crayfish as lobster or imitation lobster, unless the country or state of origin is clearly disclosed or the listing, labeling or advertising is designed to clearly and affirmatively reflect the product being offered for sale.

4. Records. Any person, licensed under section 6851 or 6852 who deals in crayfish, shall make records available to a marine patrol officer on demand.

5. Rules. The commissioner shall adopt or amend any rules necessary to supervise and control licensees dealing in crayfish and to protect the interests of the State in the conduct, management and operation of the business of dealing in crayfish to assure compliance with this section.

6. Penalty. Violation of this section shall be a Class D crime, except that the court shall impose a fine of not less than \$100.

7. License exception for bait purposes. A license shall not be required for crayfish kept or sold for bait purposes and marked or labeled "Not for Human Consumption."

FISCAL NOTE

Enactment of this legislation reestablishes the position of Assistant to the Commissioner for Public Information in the Department of Marine Resources. This position and funding is included in the Governor's Part I Budget recommendations, Legislative Document 93.'

STATEMENT OF FACT

This amendment amends the law concerning crayfish by repealing the current crayfish license and including crayfish dealers in the wholesale and retail seafood license categories.

COMMITTEE AMENDMENT "A" to H.P. 201, L.D. 281

1 The amendment also limits the total mussels a person may take
2 without a license to 2 bushels of shell mussels a day, rather
3 than current law which limits the daily take to 2 bushels of
4 shell mussels or 4 quarts of shucked mussels. The amendment also
5 adds a fiscal note to the bill.

Reported by the Committee on Marine Resources
Reproduced and distributed under the direction of the Clerk of the
House
6/8/89 (Filing No. H-441)