

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1464, L.D. 2076, Bill, "An Act to Make Revisions in Marine Resource Laws"

Amend the amendment by inserting before the first paragraph after the title the following:

'Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 12 MRSA c. 420, first 2 lines are repealed and the following enacted in their place:

CHAPTER 420

SEAFOOD PRODUCTS INSPECTION PROGRAM

Sec. 2. 12 MRSA §§4681 to 4683, as enacted by PL 1977, c. 249, are amended to read:

§4681. Purpose

Fish Seafood and fish seafood products are an important part of the nation's food supply. Increased fishing, processing and the sale of fish seafood products, can produce an important share of the food supply as well as provide greater economic benefits for Maine citizens. The marketing and sale of fish seafood products is facilitated when they are labeled to indicate the quality and purity of the package contents. The public health and welfare is are protected by the assurance that fish seafood products distributed ~~to them~~ are wholesome and not adulterated. The purpose of this Act is to increase the availability of fish seafood product inspection services to Maine processors and packers, who want them in order to bring about the aforementioned results.

2 **§4682. Department of Marine Resources; powers and duties**

4 The Department of Marine Resources is designated as the
6 state agency ~~which shall be~~ that is responsible for cooperating
8 with the Secretary of Commerce of the United States, ~~under the~~
10 ~~Agriculture-Marketing Act of 1946, as amended, and the Fish and~~
12 ~~Wildlife Act of 1956, as amended,~~ in developing the development
14 and administering a voluntary fish administration of a seafood
16 product inspection program. The ~~voluntary fish~~ Maine seafood
18 product inspection program shall must be designed to implement an
20 agreement between the State and the National Marine Fisheries
22 Service of the National Oceanic and Atmospheric Administration,
24 Department of Commerce and any other federal agency designated to
26 implement a national seafood inspection program.

16 **§4683. Commissioner; powers and duties**

18 The Commissioner of Marine Resources is authorized to enter
20 into a cooperative agreement with the National Marine Fisheries
22 Service or other agencies as appropriate to inspect, standardize
24 and assure the quality of fish seafood products. He ~~may~~
26 ~~promulgate regulations~~ The commissioner may adopt rules and
28 requirements ~~not inconsistent with National Marine Fisheries~~
30 ~~Service regulations for the voluntary inspection of fishery~~
32 ~~products under the~~ to implement the terms of any agreement
34 adopted under this chapter.

28 Sec. 3. 12 MRSA §4684, as enacted by PL 1977, c. 249, is
30 repealed.

32 Sec. 4. 12 MRSA §6103, as amended by PL 1989, c. 57, §3, is
34 further amended to read:

34 **§6103. Implementation of fishery product or shellfish inspection**
36 programs

38 The Commissioner of Agriculture, Food and Rural Resources
40 and the Commissioner of Marine Resources shall cooperate in
42 developing and implementing any fishery product or shellfish
44 inspection programs, including any national seafood inspection
46 program developed and administered under chapter 420. Those
48 programs must meet the standards established by the Commissioner
50 of Agriculture, Food and Rural Resources under the Maine Food
 Law.' '

46 Further amend the amendment in the first line after the
48 title (page 1, line 16 in amendment) by striking out the word
50 "Amend" and inserting in its place the following: 'Further amend'

Further amend the amendment by inserting after section 3 the following:

'Sec. 4. 12 MRSA §6851, sub-§6, as amended by PL 1991, c. 523, §3 and c. 591, Pt. T, §14, is repealed and the following enacted in its place:

6. Fees. The fees are as follows:

A. Two hundred seventeen dollars for a wholesale seafood license or a wholesale seafood license with a lobster permit; and

B. Forty-three dollars for each supplemental license.'

Further amend the amendment by inserting before section 6 the following:

'Sec. 6. 22 MRSA §2154, sub-§4-A, as amended by PL 1981, c. 705, Pt. C, §3, is further amended to read:

4-A. Food establishment. "Food establishment" means a factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold. Eating establishments, as defined in section 2491, subsection 7, fish and shellfish processing establishments inspected under Title 12, section 4682, 6101, 6102 or 6856, storage facilities for one kind of native produce, such as apple warehouses, potato warehouses or carrot warehouses, and establishments, such as farm stands primarily selling fresh produce, not including dairy and meat products, are not considered food establishments required to be licensed under section 2167.'

Further amend the amendment by striking out all of section 7.

Further amend the amendment by inserting after section 8 the following:

'Sec. 9. Application. A municipal shellfish conservation ordinance adopted prior to the effective date of this Act that is not consistent with the Maine Revised Statutes, Title 12, section 6671, subsection 3-A, paragraph B, as amended in this Act, may remain in effect until July 1, 1993 but is void after that date unless modified or amended to be consistent with Title 12, section 6671, subsection 3-A, paragraph B.'

Further amend the amendment by renumbering the sections to read consecutively.

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STATEMENT OF FACT

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6 This amendment adds new sections to the amendment to make
8 minor changes to existing law that specifies the Department of
10 Marine Resources as the designated state agency responsible for
12 any national seafood inspection program implemented by a federal
14 agency or agencies. The amendment provides that such a program
must meet the standard required under the Maine food law. In
order to avoid duplication of inspection, the amendment provides
that when a national seafood inspection program is adopted, those
facilities enrolled in that program are not subject to licensing
under the Maine food law.

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This amendment also strikes language in the committee
amendment pertaining to the authority of the Maine Sardine
Council to embargo sardines, kippers or steaks. The amendment
adds a section that resolves a conflict created by the enactment
of 2 Public Laws amending the same subsection.

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The amendment also adds an application clause that gives
municipalities until July 1, 1993 to bring shellfish conservation
ordinances into compliance with the shellfish license fee changes
enacted in the bill.

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Filed by Rep. Coles of Harpswell
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