

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2200

H.P. 1562

House of Representatives, January 23, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SKOGLUND of St. George.

Cosponsored by Senator VOSE of Washington, Representative LOOK of Jonesboro and Representative TOWNSEND of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Prevent the Poaching of Aquaculture Products.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, hundreds of thousands of dollars in aquaculture production are lost each year because of theft; and

Whereas, this loss is an ongoing problem that requires immediate action; and

Whereas, existing law does not provide sufficient deterrence to reduce theft of aquaculture products; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §6073, sub-§§4 to 8 are enacted to read:

4. Bill of sale; leaseholder certificate. Cultchless, hatchery-reared American oysters and cultured salmon sold in Maine must be accompanied by a bill of sale or bill of lading and a leaseholder certificate issued by the commissioner. The commissioner, after consultation with the aquaculture industry, shall develop the leaseholder certificate.

5. Possession. The possession of cultchless, hatchery-reared American oysters or whole cultured salmon prior to the first sale is limited to the leaseholder, employees of the leaseholder or the leaseholder's agent. This possession restriction applies only to organisms cultivated in aquaculture facilities with valid leases issued by the commissioner.

6. Educational notice. The commissioner, in cooperation with the shellfish aquaculture industry, shall develop educational public notices to inform the public and enforcement authorities about the provisions of this section.

7. Definition. As used in this section, the term "cultchless, hatchery-reared" means grown in suspension from seed stock that is raised in a controlled environment. The term "cultured" means raised in an aquaculture facility with a valid lease issued by the commissioner.

