

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1226

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H.P. 871

House of Representatives, April 6, 1995

**An Act to Amend the Laws Pertaining to the Selling of Clams and Sea Urchins to Protect Certified Sellers of Clams and Sea Urchins.**

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Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LOOK of Jonesboro.

Cosponsored by Representatives: BIGL of Bucksport, CAMERON of Rumford, CAMPBELL of Holden, CROSS of Dover-Foxcroft, HARTNETT of Freeport, Senators: LORD of York, RUHLIN of Penobscot, STEVENS of Androscoggin.

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

2           **Sec. 1. 12 MRSA §6601, sub-§2**, as amended by PL 1989, c. 348,  
4           §5, is further amended to read:

6           **2. Licensed activities.** The holder of a shellfish license  
may fish for or take shellfish or possess, ship or transport  
8           within the state limits or sell shellstock the holder has taken.  
~~The holder may also shuck, in the holder's home, shellfish the~~  
10           ~~holder has taken and sell these shucked shellfish from that home~~  
~~in the retail trade.~~ This license shall does not authorize the  
12           holder to fish for or take shellfish in violation of a municipal  
ordinance adopted pursuant to section 6671.

14           **Sec. 2. 12 MRSA §6851, sub-§7** is enacted to read:

16           **7. Cash purchase.** Purchases made pursuant to the license  
18           issued under this section may not be made by cash.

20           **Sec. 3. 12 MRSA §6852, sub-§3**, as enacted by PL 1977, c. 661,  
§5, is amended to read:

22           **3. License limited.** A license shall may only authorize  
24           these activities at one establishment or with one vehicle. A  
license does not authorize the owner of an establishment to allow  
26           another person to use another vehicle to perform the activities  
allowed under the license.

28           **Sec. 4. 12 MRSA §6852, sub-§5** is enacted to read:

30           **5. Cash purchase.** Purchases made pursuant to the license  
32           issued under this section may not be made by cash.

34           **Sec. 5. 12 MRSA §6854, sub-§4**, as enacted by PL 1977, c. 661,  
§5, is repealed.

#### 38           **STATEMENT OF FACT**

40           The purpose of this bill is to protect certified sellers of  
clams and sea urchins by prohibiting the shucking of shellfish in  
42           homes. The bill also clarifies that a license is limited to one  
vehicle and a person may not allow another person to use a  
44           different vehicle for the transportation of shellfish. The bill  
prohibits the purchase of shellfish by wholesalers and retailers  
46           by cash. When purchases are made by cash, there are no permanent  
records of the purchases.