

# MAINE STATE LEGISLATURE

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L.D. 345

DATE: 4-27-01

(Filing No. H-204)

MARINE RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 267, L.D. 345, Bill, "An Act to Amend the Definition of Shellfish to Include Whole Scallops"

Amend the bill by striking out the title and substituting the following:

'An Act to Include Whole Scallops in the Shellfish Sanitation Program'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 12 MRSA §6001, sub-§55 is enacted to read:

55. Whole scallop. "Whole scallop" means a cultured scallop in any form, except when the final product form is the adductor muscle of the scallop only.

Sec. 2. 12 MRSA §6856, sub-§1, as enacted by PL 1977, c. 661, §5, is amended to read:

1. Certified activities. A shellfish certificate authorizes a wholesale seafood license holder or a shellfish transportation license holder to undertake the activities expressly authorized therein, which may include buying and

COMMITTEE AMENDMENT

selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license or shellfish transportation license shall is also be necessary to undertake the activities authorized under those licenses.

**Sec. 3. 12 MRSA §6856, sub-§4**, as amended by PL 1981, c. 462, §6, is further amended to read:

**4. Regulations.** The commissioner may adopt or amend regulations concerning:

A. The procedures for issuing certificates and the required qualifications for each type of certificate;

B. The minimum sanitation standards for establishments and vehicles;

C. The sanitation and quality control standards for shellfish and whole scallops and their products;

D. The methods for taking, handling, shipping, transporting and processing of shellfish and whole scallops taken from closed areas;

E. The records and reports of takings, purchases, processing, sales, shipping and transporting of shellfish and whole scallops;

F. The labeling or marking of shipments of shellfish and whole scallops; and

G. Other regulations necessary to the public health.

The regulations shall must be based on the particular operational requirements of each activity, the most recently adopted federal sanitation standards and the most recent generally accepted research data, in a manner so as to protect the public health and safety while allowing reasonable use of the state's State's shellfish and whole scallops.

**Sec. 4. 12 MRSA §6856, sub-§6**, as enacted by PL 1977, c. 661, §5, is amended to read:

**6. Products embargoed and condemned.** The commissioner, or his the commissioner's agent, shall indefinitely embargo, condemn or order to be destroyed any shellfish or shellfish product or whole scallop in any establishment whenever it is determined that the product is of unsound quality, contains any filthy, decomposed or putrid substance, or may be poisonous or deleterious to health, or otherwise unsafe. The commissioner and

his the commissioner's agent shall cooperate with those state and federal agencies, having similar responsibility, in the protection of public health and in enforcing the order to embargo, condemn or destroy.

In the event that any shellfish or, shellfish product or whole scallop in any establishment is embargoed, condemned or ordered destroyed, the commissioner, or his the commissioner's agent, shall, as soon thereafter as practical, notify the owner in writing of the amount and kind of shellfish or, shellfish product or whole scallop embargoed, condemned or destroyed.'

Further amend the bill by inserting at the end before the summary the following:

#### FISCAL NOTE

The Department of Marine Resources will incur some minor additional costs to conduct certain tests and inspections pertaining to scallops. These costs can be absorbed within the department's existing budgeted resources.

The increased level of testing relative to scallop harvesting will result in insignificant increases of dedicated revenue collected by the department from testing fees.'

#### SUMMARY

This amendment subjects cultured whole scallops to the shellfish sanitation regulations and adds a fiscal note to the bill.