

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 882

H.P. 659

House of Representatives, February 20, 2003

**An Act To Transfer Certain Authority from the Department of
Marine Resources to the Department of Agriculture, Food and
Rural Resources**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KAELIN of Winterport.
Cosponsored by Senator SHOREY of Washington and
Representatives: BIERMAN of Sorrento, BOWEN of Rockport, DUGAY of Cherryfield,
PIOTTI of Unity.

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

4 **Sec. 1. 7 MRSA §401-B, first ¶**, as enacted by PL 1983 c. 563,
§1, is amended to read:

6 To further the purposes of this Part, the commissioner shall
7 initiate and implement programs necessary to facilitate the
8 effective, profitable marketing of Maine agricultural products.
9 For the purposes of this subchapter, the terms "agricultural
10 products" and "farm products" include products of aquaculture as
11 defined in Title 12, section 6001, subsection 1. These programs
12 ~~shall~~ include, but are not be limited to, the following.

14 **Sec. 2. 7 MRSA §1751, sub-§2**, as amended by PL 2001, c. 572,
§23, is further amended to read:

16 **2. Domestic animals.** "Domestic animals" means cattle,
17 equines, goats, sheep, swine, cats, dogs, domesticated cervidae
18 or other domesticated animals; large game as defined in section
19 1341, subsection 5; fish and shellfish that are the product or
20 stock of aquaculture as defined in Title 12, section 6001,
21 subsection 1; and poultry.

24 **Sec. 3. 12 MRSA §6071, sub-§3**, as amended by PL 1997, c. 153,
§1, is further amended to read:

26 **3. Organism and products embargoed and condemned.** The
27 Except for fish and shellfish that are the product or stock of an
28 aquaculture operation in this State, the commissioner or the
29 commissioner's agent may indefinitely embargo, condemn or order
30 to be destroyed a marine organism or marine organism product
31 either indigenous or imported if:

34 A. The organism or product is introduced to coastal waters
35 in violation of this section and the commissioner determines
36 that the organism or product is of unsound quality, contains
37 any filthy, decomposed or putrid substance, may be poisonous
38 or deleterious to health or is otherwise unsafe;

40 B. The organism or product is intended for introduction to
41 coastal waters and the commissioner determines the organism
42 or product is diseased or otherwise in a condition that if
43 introduced to coastal waters could endanger indigenous
44 marine life or its environment; or

46 C. Handling of the organism or product could result in the
47 introduction of that organism or product to the coastal
48 waters and the commissioner determines the organism or
product is diseased or otherwise in a condition that if

2 introduced to coastal waters could endanger indigenous
marine life or its environment.

4 The commissioner shall cooperate with those state and federal
agencies having similar responsibility in the protection of
6 public health and in enforcing the order to embargo, condemn or
destroy.

8 If any marine organisms or marine organism product is embargoed,
10 condemned or ordered destroyed, the commissioner or the
commissioner's agent shall, as soon as practical, notify the
12 owner in writing of the amount and kind of marine organisms or
marine organism product embargoed, condemned or destroyed.

14 **Sec. 4. 12 MRSA §6071, sub-§3-A is enacted to read:**

16 **3-A. Destruction and indemnification of products of**
18 **aquaculture.** Notwithstanding subsection 3, the Commissioner of
Agriculture, Food and Rural Resources or the commissioner's agent
20 may indefinitely embargo, condemn or order the destruction of
fish or shellfish that are the product or stock of an aquaculture
22 operation in this State. The Commissioner of Agriculture, Food
and Rural Resources, in accordance with Title 7, section 1756,
24 shall cooperate with federal agencies in providing for the
appraisal and destruction of and indemnification for fish and
26 shellfish that are the product of aquaculture.

28

SUMMARY

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This bill includes products of aquaculture as agricultural
32 or farm products for the purposes of marketing and promotional
assistance by the Department of Agriculture, Food and Rural
34 Resources. It transfers responsibility for the destruction of
and indemnification for diseased fish and shellfish that are the
36 products of aquaculture from the Commissioner of Marine Resources
to the Commissioner of Agriculture, Food and Rural Resources.