

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1961

H.P. 1373

House of Representatives, January 10, 2006

An Act To Create a Tiered Wholesale Seafood Dealer's License

(EMERGENCY)

Reported by Representative PERCY of Phippsburg for the Department of Marine Resources pursuant to Public Law 2005, chapter 434, section 14.

Reference to the Committee on Marine Resources suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

4 Whereas, the 90-day period will end after the period during
6 which shellfish dealer licenses are valid; and

8 Whereas, unless enacted as an emergency measure, the new
category of license authorized in this legislation will be
10 unavailable to holders of commercial shellfish licenses until
2007; and

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

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

20 **Sec. 1. 12 MRSA §6851-A** is enacted to read:

22 **§6851-A. Limited wholesale shellfish harvester's license**

24 1. License required. A person may not engage in the
26 activities authorized under this section without a current
commercial shellfish license issued under section 6601.

28 2. Licensed activity. A holder of a limited wholesale
30 shellfish harvester's license may sell in the wholesale trade
only shellfish the holder has taken.

32 3. License limited. A limited wholesale shellfish
34 harvester's license authorizes activities under this section at
only one establishment and with only one vehicle.

36 4. Fee. The fee for a limited wholesale shellfish
38 harvester's license is \$192.50.

40 **Sec. 2. 12 MRSA §6856, sub-§1,** as amended by PL 2003, c. 248,
§11, is further amended to read:

42 **1. Shellfish sanitation certificate.** A person may not
44 undertake the processing, buying, selling, shipping, transporting
or shucking of shellfish or whole scallops without a shellfish
46 sanitation certificate unless authorized under section 6701 or
6702. The commissioner may issue a shellfish sanitation
48 certificate to a wholesale seafood license holder, a limited
wholesale shellfish harvester's license holder or a shellfish
50 transportation license holder that authorizes the holder to

2 undertake the activities expressly authorized therein, which may
include buying and selling, shipping, transporting, shucking or
4 other processing of shellfish or whole scallops. A wholesale
seafood license, limited wholesale shellfish harvester's license
6 or shellfish transportation license is also necessary to
undertake the activities authorized under those licenses.

8 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

12 SUMMARY

14 This bill establishes a tiered wholesale seafood dealer's
license as required by Public Law 2005, chapter 434, section 14
16 by creating a limited wholesale shellfish harvester's license,
which allows a person holding a commercial shellfish license to
18 sell on the wholesale market only the shellfish taken by the
licensee.