

MAINE STATE LEGISLATURE

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MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 335, L.D. 447, Bill, "An Act To Allow the Direct Sale of Shellfish to Retailers"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Whereas, the ability of the State's retail seafood establishments to purchase shellfish directly from the State's shellfish harvesters will help shellfish harvesters that have been hard-hit by the current economic conditions; and

Whereas, this Act needs to take effect prior to 90 days after adjournment to allow seafood retailers to buy directly from harvesters during this year's tourist season when demand is at its highest; 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 §6601, sub-§2, as amended by PL 2005, c. 434, §4, is further amended to read:

2. Licensed activities. The holder of a commercial shellfish license may fish for, take, possess or transport shellfish within the state limits or sell shellstock the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail seafood license holder under section 6852-A. The holder may also sell shellstock the holder has taken from that license holder's home in the retail trade. This license does not authorize the holder to fish for or take shellfish in violation of a municipal ordinance adopted pursuant to section 6671.

COMMITTEE AMENDMENT

A. of S

1 **Sec. 2. 12 MRSA §6602, sub-§2**, as enacted by PL 2007, c. 54, §2, is amended to
2 read:

3 **2. Licensed activity.** A surf clam boat license issued under this section may be used
4 for harvesting surf clams. The holder of a surf clam boat license may also possess or
5 transport surf clams within state limits or sell surf clams the holder has taken to a
6 wholesale seafood license holder certified under section 6856 or an enhanced retail
7 seafood license holder under section 6852-A. The license also authorizes the captain and
8 crew members aboard the licensed boat when engaged in harvesting surf clams to
9 undertake these activities.

10 **Sec. 3. 12 MRSA §6731, sub-§2, ¶C**, as amended by PL 2005, c. 434, §7, is
11 further amended to read:

12 C. Sell mahogany quahogs that the holder has taken to a wholesale seafood license
13 holder certified under section 6856 or an enhanced retail seafood license holder under
14 section 6852-A.

15 **Sec. 4. 12 MRSA §6745, sub-§2**, as amended by PL 2005, c. 434, §9, is further
16 amended to read:

17 **2. Licensed activity.** The holder of a hand-raking mussel license may take mussels
18 by hand raking or possess or transport mussels within the state limits or sell mussels the
19 holder has taken to a wholesale seafood license holder certified under section 6856 or an
20 enhanced retail seafood license holder under section 6852-A.

21 **Sec. 5. 12 MRSA §6746, sub-§2**, as amended by PL 2007, c. 494, §3, is further
22 amended to read:

23 **2. Licensed activity.** A boat license under this section may be used for dragging for
24 mussels. The holder of a mussel boat license may also possess or transport mussels
25 within the state limits or sell mussels the holder has taken to a wholesale seafood license
26 holder certified under section 6856 or an enhanced retail seafood license holder under
27 section 6852-A. The license also authorizes the captain and crew members aboard the
28 licensed boat when engaged in dragging for mussels to undertake these activities. A
29 mussel boat license does not authorize the holder to fish for or take mussels in violation
30 of a municipal ordinance adopted pursuant to section 6671.

31 **Sec. 6. 12 MRSA §6852-A** is enacted to read:

32 **§6852-A. Enhanced retail seafood license**

33 **1. Licensed required.** A person may not engage in the activities authorized under
34 this section without a current enhanced retail seafood license or other license issued under
35 this Part authorizing the activities.

36 **2. Licensed activity.** The holder of an enhanced retail seafood license may, in retail
37 trade within the state limits, buy, sell, transport, ship or serve shellstock bought from a
38 commercial shellfish license holder licensed under section 6601, a surf clam boat license
39 holder licensed under section 6602, a mahogany quahog license holder licensed under
40 section 6731, a hand-raking mussel license holder licensed under section 6745 and a
41 mussel boat license holder licensed under section 6746.

1 3. License limited. An enhanced retail seafood license authorizes the activities
2 under subsection 2 at only one establishment or with only one vehicle.

3 4. Fee. The annual fee for an enhanced retail seafood license is \$150. Forty-four
4 dollars of the license fee is dedicated to the Shellfish Fund under section 6651.

5 5. Violation. A person who violates this section commits a civil violation for which
6 a fine of not less than \$100 or more than \$500 may be adjudged.

7 6. Rules. Rules adopted by the commissioner pursuant to section 6852, subsection 6
8 are applicable to this section.

9 **Sec. 7. Appropriations and allocations.** The following appropriations and
10 allocations are made.

11 **MARINE RESOURCES, DEPARTMENT OF**
12 **Bureau of Resource Management 0027**

13 Initiative: Provides an allocation of funds from revenues related to the newly created
14 enhanced retail seafood license.

15	OTHER SPECIAL REVENUE	2008-09	2009-10	2010-11
16	FUNDS			
17	All Other	\$396	\$4,752	\$4,752
18				
19		<u>\$396</u>	<u>\$4,752</u>	<u>\$4,752</u>

20 **Emergency clause.** In view of the emergency cited in the preamble, this
21 legislation takes effect when approved.'

22 **SUMMARY**

23 This amendment replaces the bill and creates an enhanced retail seafood license that
24 allows a holder to purchase mussels, clams, quahogs and oysters directly from the
25 harvester. It also dedicates the revenue raised by this new license to the Department of
26 Marine Resources to be used for annual inspections of license holders. It also adds an
27 appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 447

LR 776(02)

An Act To Allow the Direct Sale of Shellfish to Retailers

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

	2008-09	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations					
Other Special Revenue Funds	\$396	\$4,752	\$4,752	\$4,752	\$4,752
Revenue					
Other Special Revenue Funds	\$396	\$4,752	\$4,752	\$4,752	\$4,752

Fiscal Detail and Notes

This bill creates the enhanced retail seafood license that allows the holder to purchase mussels, clams, quahogs and oysters directly from the harvester. Assuming that 10% of the holders of a retail seafood license will switch to this new license, Other Special Revenue Funds within the Department of Marine Resources, Shellfish Fund, will increase by \$396 in fiscal year 2008-09 and \$4,752 beginning in fiscal year 2009-10.