

MAINE STATE LEGISLATURE

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Date: 5/23/11

L.D. 1409
(Filing No. H-321)

MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1035, L.D. 1409, Bill, "An Act Concerning the Labeling of Maine Shellfish Products"

Amend the bill by inserting after the title and before the enacting clause 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, it is legal to bring shellfish into Maine from outside the State, clean it, shuck it or just store it and then sell it as a product of Maine; and

Whereas, the State must reserve its brand for shellfish native to this State, thereby protecting the brand; and

Whereas, the assurance that only Maine shellfish are labeled as Maine shellfish is crucial to the economy of this State; and

Whereas, it is vital that this legislation take effect before the summer tourist season, when shellfish sales are at their 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,'

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

'Sec. 1. 12 MRSA §6005 is enacted to read:

§6005. Labeling shellfish

A person who is authorized to hold or possess shellfish under chapter 623 may not label shellfish sold alive using the words "product of Maine" or any other similar words

COMMITTEE AMENDMENT

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1 or terms that misleadingly suggest the shellfish was taken from the waters of this State
2 unless the shellfish was in fact taken from the waters of the State.

3 The sale of shellfish labeled in violation of this section is a deceptive business
4 practice in violation of Title 17-A, section 901. A violation of this section that results in
5 a conviction under Title 17-A, section 901 is considered a conviction for a violation of a
6 marine resources law under section 6351, subsection 1, paragraph A.

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

9 **SUMMARY**

10 This amendment does the following:

- 11 1. It adds an emergency preamble and emergency clause to the bill;
- 12 2. It specifies that a person authorized to hold or possess shellfish under the Maine
13 Revised Statutes, Title 12, chapter 623 may not label shellfish sold alive with the words
14 "product of Maine" or any similar words that suggest the shellfish was taken from the
15 waters of the State unless the shellfish was in fact taken from the waters of this State;
- 16 3. It states that a violation of this provision is a deceptive business practice in
17 violation of Title 17-A, section 901; and
- 18 4. It specifies that a violation of this provision that results in a conviction is
19 considered a conviction for a violation of a marine resources law.

FISCAL NOTE REQUIRED
(See attached)

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Approved: 05/19/11 *mac*

125th MAINE LEGISLATURE

LD 1409

LR 2082(02)

An Act Concerning the Labeling of Maine Shellfish Products

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

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class D crimes.

The collection of additional fines may also increase General Fund revenue by minor amounts.