MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1508

H.P. 1110

House of Representatives, April 26, 2011

An Act To Ensure Cultchless American Oyster Growers Licenses Are Issued by the Department of Marine Resources Only to Individuals Who Are Growers of American Oysters

(EMERGENCY)

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

HEATHER J.R. PRIEST Clerk

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Presented by Representative WEBSTER of Freeport. Cosponsored by Senator GERZOFSKY of Cumberland and Representative: WEAVER of York.

1 Emergency preamble. Whereas, acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and 3 Whereas, current rules of the Department of Marine Resources allow for the 4 issuance of cultchless American oyster growers licenses to individuals who are not 5 growers of American oysters, which leads to those individuals harvesting oysters grown by others; and 6 7 Whereas, in the judgment of the Legislature, these facts create an emergency within 8 the meaning of the Constitution of Maine and require the following legislation as 9 immediately necessary for the preservation of the public peace, health and safety; now, 10 therefore. 11 Be it enacted by the People of the State of Maine as follows: 12 **Sec. 1. 12 MRSA §6863, first ¶,** as enacted by PL 1991, c. 876, §2, is amended 13 to read: 14 A person may not grow or harvest cultchless American oysters in the State unless licensed under this section. 15 16 Sec. 2. Department of Marine Resources directed to modify rules for cultchless oyster growers licenses. The Department of Marine Resources shall adopt 17 rules, pursuant to the authority granted to the Commissioner of Marine Resources under 18 19 the Maine Revised Statutes, Title 12, section 6863, subsection 2, to ensure that only an 20 applicant who has purchased seed at least one year prior to the effective date of the 2.1 cultchless American oyster growers license is granted the license and shall establish 22 procedures to require that an applicant provide specific details on where and how the seed will be raised. Rules adopted pursuant to this section are routine technical rules as 23 24 defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. 25 In view of the emergency cited in the preamble, this **Emergency clause.** legislation takes effect when approved. 26 27 **SUMMARY**

This bill clarifies that a person may not grow or harvest cultchless American oysters without a license. This bill also directs the Department of Marine Resources to modify the rules for cultchless American oyster growers licenses to ensure that those who receive licenses purchased seed at least one year prior to the date the license goes into effect and provide a plan for how and where the oysters will be grown.

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