

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Sixth Legislature

AT THE  
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

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sent of the State Controller, to allow funds to be transferred from Appropriation Number 1120, Activity Number 1030—Personal and Consumer Finance, to the administrator to provide for the expenditures of the administrator's office before fees are received under Title 9-A, Article VI, Part 2.

Effective June 28, 1974

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## CHAPTER 763

### AN ACT to Regulate Sale and Processing of Crawfish.

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

R. S., T. 12, § 4452, repealed and replaced. Section 4452 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 4452. Sale of crawfish; imitation lobster**

It is unlawful for any person, firm or corporation to buy, sell, offer for sale, serve, process, deal in, ship or transport in any manner crawfish, so called, as defined in section 3401, without having a current license from the commissioner as provided in this section.

1. Exceptions. The provisions of this section do not apply in the following instances:

A. To the transportation of crawfish by a person who possesses them for the purpose of consumption by himself and his family;

B. To the shipping or transportation of crawfish covered by this section by a common carrier engaged in carrying freight on a fixed schedule within or without the State, provided the crawfish are received by the common carrier at one of his regular established places of business within the State, on land for receiving freight, and the receptacle containing the crawfish is plainly marked in accordance with regulations of the commissioner established under authority of this section.

2. License designations, general scope.

A. The license, designated as a wholesale crawfish dealer's license, entitles the holder, as a wholesale dealer, to buy, sell, offer for sale, serve, process, ship and transport crawfish within the limits of the State.

B. The license, designated as a retail crawfish dealer's license, entitles the holder, as a retail dealer only, to buy, sell, offer for sale, serve, ship and transport crawfish within the limits of the State.

3. Application; license fees. A person, firm or corporation may make application to the commissioner for a crawfish dealer's license on forms furnished by the commissioner.

A. The fee for a retail crawfish dealer's license is \$25, which the applicant shall submit with his application.

B. The fee for a wholesale crawfish dealer's license is \$50, which the applicant shall submit with his application.

C. A separate license is required for each market, hotel, restaurant, store or other place where crawfish is served, bought or sold.

D. A separate license is required for each boat or vehicle used to transport crawfish within the State, except as provided in this section and the fee for each boat or vehicle is \$10.

E. All fees collected shall be deposited with the Treasurer of State and proceeds used to carry out the purposes of this chapter.

4. It is unlawful for any person to possess in the State, crawfish meat which has been removed from the shell, except that hotels and restaurants and other food service operators may remove such meat from the shell on the premises immediately prior to and for the purpose of serving it to customers.

A. If crawfish meat removed from the shell is found under refrigeration in a hotel, restaurant, other food service operator or in any other place, it shall be prima facie evidence that the meat was not immediately to be served to customers.

B. If any amount of lobster, or any crawfish meat outside the shell, which does not meet the legal length requirements for lobster, as established by section 4455, is found under refrigeration in possession of any person or in any place of business, it shall be prima facie evidence that it is illegal lobster meat and will be subject to the penalty as provided by section 4455.

5. Mix or commingle. It is unlawful for any person, firm or corporation to mix or commingle crawfish in any form with lobster (*Homarus Americanus*) or to possess such a mixture or to cause or allow it to be done.

6. List, label or advertise. It is unlawful for any person, firm or corporation to list, label, advertise, sell, offer for sale or represent for the purpose of sale crawfish, so called, as lobster (*Homarus Americanus*) or imitation lobster, unless the country or state of origin is clearly disclosed or the listing, labelling or advertising is designed to clearly and affirmatively reflect the product being offered for sale.

7. Monthly reports. Any wholesale crawfish licensee dealing in crawfish shall make a record of all purchases, processing and sales of crawfish on forms supplied by the department and shall file those records with the department monthly. All records filed pursuant to this section shall be confidential and not open to public inspection. The records and reports must contain the following information:

A. The amount by volume or weight of crawfish brought into the State and the country or state of its origin;

B. The nature of the processing, if any, by the licensee; and

C. The amount by volume or weight of crawfish sold within the State, and the amount by volume or weight of crawfish sold to purchasers outside the State and the name of the common carrier transporting the product.

8. Monthly records. All retail crawfish licensees shall make a record of all purchases and sales of crawfish on forms supplied by the department and shall maintain those records for a period of 12 months. All records maintained pursuant to this section shall be confidential and not open to public inspection.

9. Records. Any person, firm or corporation licensed under this section shall make records available to a coastal warden on demand.

10. The commissioner shall from time to time establish such rules and regulations as may be necessary for the supervision and control of licensees dealing in crawfish and to protect the interests of the State in the conduct, management and operation of the business of a licensee dealing in crawfish to assure compliance with this section. The commissioner shall follow the procedure of section 3505 in adopting regulations authorized by this section.

11. Penalty. Whoever violates any provisions of this section shall be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment for not more than 90 days, or by both.

Effective June 28, 1974

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## CHAPTER 764

AN ACT Relating to Review, Reports and Proposed Amendments of the  
Maine State Retirement System.

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

R. S., T. 5, § 1005, additional. Title 5 of the Revised Statutes is amended by adding a new section 1005, to read as follows:

§ 1005. Review, reports and proposed amendments

1. Annual review and report. The trustees shall, at the close of each fiscal year, review the financial condition of the Maine State Retirement System and its operation during the preceding year. They shall submit a report of that review to the Governor and the Legislature. Such report shall include comments on any apparent inequities in the system with appropriate recommendations for legislative action.

2. Review and recommendation on proposed amendments. All proposed amendments to this chapter shall be submitted immediately to the trustees for their review. The board of trustees shall review the proposed amendment to ascertain its clarity, consistency with other provisions of this chapter, and its potential financial impact upon the system, the State, participating local districts, members and beneficiaries, including the funding of costs of any benefits, the value of such benefits to members and beneficiaries and any apparent inequities that might result from the proposed amendments. The board shall obtain an evaluation of the proposed amendment from the Executive Director of the Retirement System and from the Director of Personnel to aid the trustees in arriving at their conclusions. The board shall submit their report with appropriate recommendations as soon as possible to the Governor and to the Legislature.