

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 1244 - L.D. 1745

An Act Regarding the Tagging and Sale of Shellfish

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

Sec. 1. 12 MRSA §6625, sub-§1, as amended by PL 2005, c. 434, §5, is further amended to read:

1. Tagging required. The holder of a ~~commercial shellfishing~~ license issued under section 6601, 6731, 6732, 6745 or 6746 or 6810-B shall identify shellstock the license holder has taken by means of a harvester's tag. The tag must be consistent with the format required by the department under rules adopted to meet this requirement. Each container of shellstock must be tagged in accordance with department rules. The tag must accompany the harvested product while the product is in wholesale or retail commerce within the State.

Sec. 2. 12 MRSA §6810-B, sub-§4, as enacted by PL 2017, c. 296, §9, is amended to read:

4. Licensed activities; shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A cultured shellfish the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured shellfish the holder has cultured pursuant to a license issued under section 6072-C or under Title 7, section 1501. Such a holder of an aquaculture license may also sell such shellstock from that license holder's home in the retail trade. A holder of an aquaculture license who is also the holder of a lease issued under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §6856, sub-§1, as amended by PL 2017, c. 224, §2, is further amended to read:

1. Shellfish sanitation certificate. A person may not undertake the processing, buying, selling, shipping, transporting or shucking of shellfish or whole scallops without a shellfish sanitation certificate issued by the department or a valid, current certificate issued by the relevant regulatory authority recognized by the United States Department of Health and Human Services, Food and Drug Administration and posted on the administration's interstate certified shellfish shippers list, unless authorized under section 6701 or 6702. A person may engage in activities only to the extent authorized by the certificate held by the person. The commissioner may issue a shellfish sanitation certificate to a wholesale seafood license holder or a shellfish transportation license holder that authorizes the holder to undertake the activities expressly authorized therein, which may include buying and selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license or shellfish transportation license is also necessary to undertake the activities authorized under those licenses. A shellfish sanitation certificate does not authorize a person to undertake any of the activities for which a permit is required pursuant to subsection 2-A. Beginning June 1, 2018, the fee for a shellfish sanitation certificate is \$50.

Sec. 4. 12 MRSA §6856, sub-§2-A, ¶D, as enacted by PL 2017, c. 224, §2, is amended to read:

D. A person may not use a vehicle to transport ~~soft-shelled clam shell stock~~ shellstock purchased at a location other than the establishment or vehicle authorized under the license without a shellfish buying station permit. Beginning June 1, 2018, the fee for a shellfish buying station permit is \$100.