

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## An Act To Allow the Direct Sale of Shellfish to Retailers

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.

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

**2. Licensed activity.** A surf clam boat license issued under this section may be used for harvesting surf clams. The holder of a surf clam boat license may also possess or transport surf clams within state limits or sell surf clams 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 license also authorizes the captain and crew members aboard the licensed boat when engaged in harvesting surf clams to undertake these activities.

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

C. Sell mahogany quahogs that 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.

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

**2. Licensed activity.** The holder of a hand-raking mussel license may take mussels by hand raking or possess or transport mussels within the state limits or sell mussels 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.

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

**2. Licensed activity.** A boat license under this section may be used for dragging for mussels. The holder of a mussel boat license may also possess or transport mussels within the state limits or sell mussels 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 license also authorizes the captain

and crew members aboard the licensed boat when engaged in dragging for mussels to undertake these activities. A mussel boat license does not authorize the holder to fish for or take mussels in violation of a municipal ordinance adopted pursuant to section 6671.

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

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

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

**2. Licensed activity.** The holder of an enhanced retail seafood license may, in the retail trade within the state limits, buy, sell, transport, ship or serve:

A. Shellstock bought from a commercial shellfish license holder licensed under section 6601, a surf clam boat license holder licensed under section 6602, a mahogany quahog license holder licensed under section 6731, a hand-raking mussel license holder licensed under section 6745 and a mussel boat license holder licensed under section 6746;

B. Shellstock and shucked shellfish if they are bought from a wholesale seafood license holder certified under section 6856;

C. Lobster parts or meat if they are permitted under section 6857 or have been lawfully imported;

D. Crayfish; and

E. Lobsters.

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

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

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

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

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

**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Resource Management 0027**

PUBLIC Law, Chapter 217 LD 447, item 1, 124th Maine State Legislature  
An Act To Allow the Direct Sale of Shellfish to Retailers

Initiative: Allocates funds related to the newly created enhanced retail seafood license.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$3,564	\$4,752
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<hr/> \$3,564	<hr/> \$4,752

Effective September 12, 2009