

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

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

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

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

## **SUMMARY**

This amendment does the following:

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