

Department of Marine Resources

NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE OR SUBJECT: Chapter 15.01(A)(11)(b) Repacker definition (new);
Chapter 15.21(I) Shucked Shellfish Labeling (new); and
Chapter 17.02 & 05 Shucker-Packer (add repacking)

CONCISE SUMMARY: The proposed amendments would establish the regulations to allow certified shellfish dealers issued a certificate pursuant to 12 MRSA §6856 to repack shucked shellfish.

STATUTORY AUTHORITY: 12 M.R.S.A. §6856

PUBLIC HEARING: *Tuesday, May 26, 2009, 6:00pm, DMR Large Conference Room, 194 McKown Point Road, West Boothbay Harbor

**The public hearings for two proposed rules will be held in numerical order starting with the rules proposed in Chapters 11, 12 & 25, followed by Chapters 15 & 17. The second hearing will be held immediately upon the conclusion of the previous hearing. See separate rulemaking notice for rules not listed in this notice.*

DEADLINE FOR COMMENTS: June 5, 2009

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: Bruce Chamberlain (207- 557-3557)

Mail Written Comments to:

AGENCY NAME: Department of Marine Resources, attn L. Churchill
ADDRESS: PO Box 8, West Boothbay Harbor, Maine 04575-0008
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>
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FAX: (207) 633-9579
TTY: (207) 633-9500 (Deaf/Hard of Hearing)
Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

Chapter 17 defines what shucker-packers are authorized to do, which is in part a sub-set of the certified dealer authorizations. The proposed rules would add an additional option for certified shucker packer dealers to repack previously shucked shellfish. The proposed regulations would be in compliance with the 2007 National Shellfish Sanitation Program or Model Ordinance. The definition of repacker and the rules for labeling would also be added in Chapter 15. These amendments would provide more commodity options for the certified dealer.

*A copy of the current Chapter 17 is available online at: <http://www.maine.gov/sos/cec/rules/13/188/188c017.doc>.
A copy of the proposed rule is available online at: <http://www.maine.gov/dmr/rulemaking/index.htm>.*

If you are unable to attend the hearing persons are encouraged to submit written comments from the receipt or posting of this notice through close of business on the deadline listed.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

CHAPTER 15 GENERAL SHELLFISH SANITATION REQUIREMENTS

15.02(A) Definitions

11. "Certificate holder" means any wholesale seafood (12 M.R.S.A. §6851) or shellfish transportation (12 M.R.S.A. §6855) licensee to whom the Department has issued a certificate, as required by 12 M.R.S.A. §6856, authorizing that licensee to buy, sell, ship, transport or process shellfish. Classes of certificate holders include:

(a) Shucker-Packer (SP). The holder of a shucker-packer certificate may purchase, sell, pack, ship, shuck or transport shellfish, whether in shellstock or shucked form. A shucker-packer may not repack shucked

shellfish obtained from other certificate holders. A shucker-packer shall have a facility for proper storage and/or repacking of shellstock and shucked shellfish, including a means of refrigerated storage of shellfish, i.e. a walk – in cooler.

15.21 Shucked Shellfish Labeling

- I. Shucker packers that repack shucked shellfish shall pack and label all shellfish in accordance with Chapter 15.21(B) except that the original date of shucking shall be added to the new repacked container as specified in Chapter 15.21(C)(1) or the original date of shucking shall be used in establishing the SELL BY DATE as specified in Chapter 15.21(B)(1).

Chapter 17 Shucker-Packer

NOTE: No changes are proposed in sections 01, 03, 04, 06, & 07.

17.02 Shucker-Packer

The holder of a shucker-packer certificate may harvest, pack, purchase, sell, store, hold, ship, or transport shellfish, whether in shellstock or shucked form. A shucker-packer may shuck shellfish ~~but may not~~ and repack shucked shellfish obtained from other certificate holders.

17.05 Processing Critical Control Point - Critical Limits

- D. For repacking shucked shellfish, the shucked shellfish do not exceed an internal temperature of 45° F (7.2° C) for more than 2 hours.