

DEPARTMENT OF MARINE RESOURCES - PROCEDURAL RULES

CHAPTER 6

LOBSTER PROCESSING

TITLE INDEX

- 6.01 Definitions
- 6.02 Compliance
- 6.03 Restrictions & Prohibitions

DEPARTMENT OF MARINE RESOURCES

Chapter 6 Lobster Processing

6.01 Definitions

6.02 Compliance

- A. These regulations apply to persons who hold a “Lobster Processor License” or “Lobster Processor Tails only License” pursuant to 12 M.R.S. §6851-B or a “Lobster Meat Permit” pursuant to 12 M.R.S. §6857.

B. Application and Fees

Each of the following is a one year license that expires on March 31st, annually:

- (1) The fee for a Lobster Processor License, established in accordance with 12 M.R.S. §6851-B(2), is \$500.00.
- (2) The fee for a Lobster Processor Tails only License, established in accordance with 12 M.R.S. §6851-B(2), is \$159.00.
- (3) The fee for a Lobster Meat Permit is \$159.00, as provided in 12 M.R.S. §6857(5).

Applications for a license or permit may be obtained from the Department of Marine Resources, License Division, 21 SHS, Augusta, Maine 04333-0021; telephone: (207) 624-6550; or online at <http://www.maine.gov/dmr/index.htm> under “Licenses”.

C. Facility

- (1) Lobster and lobster meat may be processed only at one fixed place of business or fixed facility named on the Lobster Processor License.
- (2) Lobster tails may be processed only at one fixed place of business or fixed facility named on the Lobster Processor Tails only License.
- (3) Lobster meat may be processed at the single establishment (12 M.R.S. §6001(14)), location or place of business named on the Lobster Meat Permit.

D. Inspection

A Marine Patrol Officer may inspect and measure lobster tails, lobster parts and the meat therein, or processed lobster in order to determine conformity with the size restrictions in 12 M.R.S. §6431 and Chapter 25.70.

Tail measurement shall consist of removal of the meat intact from the lobster tail section and measurement of the meat to ascertain conformity with the size restrictions established by Chapter 25.70. Lobster tails shall be illegal if lobster meat so removed fails to meet such size standards.

- E. License holders must comply with all other applicable laws and regulations relating to the processing, packaging, storage, labeling, containment, record keeping, etc., of food products. Federal regulations for lobster processing required by the Food and Drug Administration (FDA) Seafood HACCP Regulations are located in Title 21 CFR Part 123 – Fish and Fishery Products and on the web by searching at: <http://www.gpoaccess.gov/ecfr/index.html>
The Maine Department of Agriculture, Food and Rural Resources food regulations applicable to lobster processing/packaging/storage are available on the web at: <http://www.maine.gov/agriculture/qar/food-regs.html>
The Department of Human Services, Maine Food Code, 10-144, CMR Chapter 200 is available on the web at: <http://www.maine.gov/sos/cec/rules/10/144/144c200.doc>.

F. Exceptions to license requirement

- (1) Hotels and Restaurants

As provided by [12 M.R.S. §6851-B\(3\)](#) and [§6857](#) a license is not required to remove lobster meat for serving at hotels and restaurants if the meat is removed from the shell in a hotel or restaurant for serving on the premises.

6.03 Restrictions & Prohibitions

A. Lobster Processor License

A Lobster Processor License (LPL) authorizes a wholesale seafood license with lobster permit holder to remove lobster tails, lobster parts in the shell, and lobster meat from the lobster, only under the following conditions:

- (1) The tails, lobster parts in the shell, and lobster meat shall only be removed from lobster at the fixed facility name on the LPL.
- (2) The tails shall only come from legal size lobster in accordance with [12 M.R.S. §6431](#) or from oversize lobster as provided in 12 M.R.S. §6431(6-B) as long as those oversize lobster are in conformance with the provisions of that law and the LPL license holder also holds a Lobster Import/Export permit in accordance with Chapter 25.75.
- (3) Lobster parts: A Lobster Processor License holder may remove lobster parts in the shell other than the tail to be offered for sale. Other lobster parts include the carapace, claws, knuckles, legs and shells.
- (4) Tail meat removed from the lobster shall remain whole and intact except as permitted by waiver in accordance with Chapter 6.03(A)(5). Tail meat removed from oversize lobster as provided in 12 M.R.S. §6431(6-B) shall remain whole and intact, no waiver is allowed.
- (5) Lobster Processing License – Waiver
The Commissioner may grant waivers in writing for specific lobster products when requested in writing by Lobster Processor License holders.

B. Lobster Processor Tails only License

A Lobster Processor Tails only License (LPTOL) authorizes a wholesale seafood license with lobster permit holder to remove lobster tails in the shell from the lobster, only under the following conditions:

- (1) The tails shall only be removed from lobster at the fixed facility name on the LPTOL.
- (2) The tails shall only come from legal size lobster in accordance with [12 M.R.S. §6431](#).
- (3) The tails removed from the lobster shall remain whole and intact.

C. Lobster Meat Permit

A lobster meat permit authorizes a wholesale seafood license with lobster permit holder or a retail seafood license holder to remove lobster meat from the shell for sale under the following conditions:

- (1) The meat may be removed from the shell only at the establishment named in the permit.
- (2) The meat may come from only legal-sized lobsters in accordance with [12 M.R.S. §6431](#).
- (3) Tail sections must be removed from the shell whole and intact.
 - (a) Exception for wholesale seafood license with lobster permit holder
The holder of a wholesale seafood license with lobster permit may, at the license holder's regular establishment, cut up lobster tail sections immediately prior to and for the purpose of preserving, canning or freezing them as processed stews, pies, salads, Newburg's or chowders.

D. Containers and Labeling

- (1) All containers of processed lobster meat, lobster tails, lobster parts or by products must be clearly labeled with the Lobster Processor License, Lobster Processor Tails only License or

Lobster Meat Permit number of the packer pursuant to [12 M.R.S. §6851-B\(2\)\(C\)](#) and [§6857\(2\)\(D\)](#) or be identified as lawfully imported from another jurisdiction.

All containers of processed lobster meat, lobster tails, lobster parts or by products must be clearly labeled with a coding system to identify the date of pack/packaging in compliance with [9 CFR 317.8\(32\)](#) the [Maine Food Code](#) and approved in writing from the Commissioner. Address: Department of Marine Resources, Attn: Commissioner/Lobster Pack Code Request, State House Station 21, Augusta, Maine 04333-0021.

Shipment of all containers of tail meat removed from oversize lobster as provided in [12 M.R.S. §6431\(6-B\)](#) shall convey the oversize lobster tails sealed in accordance with [Chapter 25.75](#) for shipment out of state.

The license or permit number, identification of contents, approved pack/packaging code, and the name and address of license holder must appear in bold capitalized type, be waterproof and durable in indelible print, and must be adhered to the container at all times through to the final consumer sale or until the container is empty. The absence of the license or permit number, approved pack/packaging code, and the name and address of license holder as required by this regulation shall be prima facie evidence of violation of these regulations.

- (2) Container labeling requirements shall not apply to [hermetically sealed \(12 M.R.S. §6001\(19\)\)](#) containers.

E. Records

Persons who hold a Lobster Processor License or Lobster Processor Tails only License pursuant to [12 M.R.S. §6851-B](#) or a Lobster Meat Permit pursuant to [12 M.R.S. §6857](#) must maintain records pertaining to all lobster purchases and shipments received. These records must be made available to the Department upon request and must comply with the following criteria:

- (1) Each license or permit holder must have a business address at which the records are maintained;
- (2) The records must be complete, accurate and legible;
- (3) The records must be sufficient to allow each container of processed lobster, lobster tails or parts to be traced back to the specific incoming source of lobster;
- (4) The records must be maintained in a permanently bound ledger book or other recording method approved by the Department; and
- (5) The records must be retained for a minimum of one year for fresh products and for a minimum of two years for frozen products.
- (6) A LPL license holder who also holds a Lobster Import/Export permit in accordance with [Chapter 25.75](#) shall submit data on forms provided by the Department by January 1st annually.

CHAPTER 6

LOBSTER TAIL PERMIT HOLDERS

INDEX

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