

**TESTIMONY OF
Kohl Kanwit
Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying
In Support of
LD 144 An Act to Create a Limited Retail Seafood Harvester Certificate
Before the Committee on Marine Resources
Sponsored by Senator Reny
Date of Hearing: February 6, 2025**

Senator Tepler, Representative Hepler, and members of the Joint Standing Committee on Marine Resources, my name is Kohl Kanwit, Director of the Department of Marine Resources Bureau of Public Health and Aquaculture, and I am testifying on behalf of the Department in support of LD 144. This is a Department bill, and we are grateful to Senator Reny for sponsoring this bill on our behalf.

This bill is the product of a working group of the Shellfish Advisory Council to identify a mechanism to provide additional flexibility in the sale of shellfish while remaining protective of public health. As was explained in the Department's presentation, DMR's Bureau of Bureau of Public Health oversees the application of the National Shellfish Sanitation Program (NSSP) within the State of Maine. This program is implemented internationally by the Interstate Shellfish Sanitation Conference (ISSC) in order to keep molluscan shellfish safe for human consumption. This is accomplished by making sure that a common set of standards are used to classify shellfish growing areas and handle shellfish when they go to market.

Under the current law, a shellfish harvester can sell shellstock (unshucked shellfish) they have taken, only as follows:

- They can sell shellstock they have taken, from their home in the retail trade, except that they cannot sell oysters from their home during the Vibrio control months (June-October)
- They can sell shellstock they have taken from a fixed facility that is not their home, if they have a retail license and an enhanced retail certificate, and meet the requirements for the facility established in rule. Facilities must meet a number of requirements, including having a bathroom, hot water, wash down walls, etc., so maintaining a facility increases expenses.
- They can sell shellstock they have taken to a certified wholesale seafood dealer, who can then sell it in the wholesale or retail trade.

Shellfish harvesters, and in particular, oyster growers, are looking for additional flexibility in how they can sell their product directly to the consumer, without having to establish a fixed facility (which is expensive) or run their product through a certified dealer (which also increases their costs). To be clear, this proposal is a mechanism for them to sell only shellstock the license holder has harvested themselves.

Through the Shellfish Advisory Council, shellfish harvesters asked for a solution that would allow them to sell their shellfish from a vehicle, at such locations as a farmer's market. The proposed limited retail harvester certificate would create a new opportunity for harvesters to use a vehicle to sell shellstock they have taken from a vehicle without having to involve a certified shellfish dealer in the sale. They will still need to meet requirements for the safe handling of shellstock shellfish established in rule, but we anticipate it will be less onerous than the requirements associated with a fixed facility.

As you can see from the bill language, this would be implemented by a harvester first obtaining a retail shellfish license. They would also obtain the new limited retail shellfish harvester certificate, which would be assigned to a single vehicle. As a point of information, in DMR statutes "vehicle" may include a watercraft, and we are aware that some harvesters have an interest in using this license associated with a vessel, rather than a car or truck. The holder would then be authorized to sell, transport and serve in the retail trade and within state limits, shellstock taken by the license holder. The vehicle would be subject to inspection, and the Department would have authority to adopt rules establishing the sanitation and handling requirements of the shellfish.

Thank you for your consideration, and I would be happy to answer any questions you might have.