

§12507. License to cultivate or sell commercially grown and imported fish

1. License required. Except as otherwise authorized pursuant to this Part, a person may not cultivate or sell fish that have been commercially grown within the State or imported from outside the State without a valid license issued under this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Issuance. The commissioner may issue a license to cultivate and sell fish that have been either commercially grown within the State or imported from without the State.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Application. This section does not apply to and the commissioner may not issue permits governing any aspect of either the commercial aquaculture of Atlantic salmon when intended for use in commercial aquaculture in coastal waters or the Atlantic salmon restoration program.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Fee. The fee for a license to sell commercially grown or imported fish is \$27 annually.

[PL 2005, c. 12, Pt. III, §27 (AMD).]

5. Requirements. A licensee shall:

A. Keep a license issued under subsection 2 constantly and publicly posted in the office or place of business of the licensee; [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Be licensed for each wholesale and retail outlet from which a person sells fish; [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. Identify in a manner approved by the commissioner the name and address of the source of all fish offered for sale or sold under this section; and [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

D. Keep invoices of fish sold and purchased under this section so that the invoices are available at all times for inspection by the commissioner or the commissioner's duly authorized agent. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

6. Penalties. The following penalties apply to violations of subsection 5.

A. A person who violates subsection 5 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [PL 2003, c. 655, Pt. B, §254 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 5 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2003, c. 655, Pt. B, §254 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

Each day a person violates subsection 5 is a separate violation.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §254 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B254 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III27 (AMD).

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