

§6101. Voluntary fish products inspection program

1. Purpose. The purpose of this section shall be to increase the availability of fishery product inspection services to Maine processors and packers in order to improve the marketing of fishery products.

[PL 1989, c. 57, §2 (AMD).]

2. Program. The department is the state agency that is responsible for cooperating with the Federal Government in developing and administering a voluntary fishery product inspection program. Notwithstanding section 6103, the commissioner may enter into agreements with the United States Department of Commerce, National Oceanic and Atmospheric Administration and seafood producers for the issuance of certificates of compliance necessary to meet international regulations and obtain reimbursement from the United States Department of Commerce, National Oceanic and Atmospheric Administration for the costs incurred by the department for the inspection and certification program.

[PL 2011, c. 567, §1 (AMD).]

3. Regulations. The commissioner may adopt or amend regulations not inconsistent with the National Shellfish Sanitation Program and National Marine Fisheries Services regulations for the voluntary inspection of fishery products.

[PL 1989, c. 57, §2 (AMD).]

4. Sardines. The program shall exclude sardines and other fish inspected by the Maine Sardine Council.

[PL 1977, c. 661, §5 (NEW).]

5. Labeling. All products inspected under this section shall be accurately labeled to provide the public with information about the contents and quality of the fishery product. The commissioner may adopt regulations to insure proper and complete labeling.

[PL 1977, c. 661, §5 (NEW).]

6. Misleading labeling prohibited. It shall be unlawful to sell any article inspected under this section under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size. Established trade names approved by the commissioner are permitted. It shall be unlawful to sell any article not inspected under this section under any name or other marking or labeling which is false and misleading when the mark or label is intended to represent the contents as having been inspected and graded.

[PL 1977, c. 661, §5 (NEW).]

7. Preventing misleading labeling. If the commissioner has reason to believe that a violation of subsection 6 is occurring, the commissioner may order the withholding of an inspection or grading label or mark.

[RR 2021, c. 2, Pt. B, §30 (COR).]

8. Procedure. The commissioner shall give notice of a withholding order and may give an opportunity for a hearing on the order. The order is effective on service or receipt of the notice. The notice must contain a statement of the violation, the order and any opportunity for a hearing and must be personally served on or mailed to the violator. Any hearing must be requested in writing within 10 days, unless a longer period is mutually agreed to in writing. Notice of the hearing must be given immediately to the violator.

If a hearing is held, it must be conducted in the Augusta area. At the hearing, the violator is entitled to present any evidence concerning the violation and surrounding circumstances. All decisions of the commissioner must be in writing. All decisions of the commissioner under this section may be reviewed in the manner provided under Title 5, chapter 375, subchapter 7.

[RR 2021, c. 2, Pt. B, §31 (COR).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1989, c. 57, §2 (AMD). PL 2011, c. 567, §1 (AMD). RR 2021, c. 2, Pt. B, §§30, 31 (COR).

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