

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.

Basis Statement

Chapter 15.01(A)(11)(a) add Repacker definition (new);
Chapter 15.21(I) Shucked Shellfish Labeling (new); and
Chapter 17.02 & 05 Shucker-Packer (add repacking)

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

Summary of Comments

No persons from the general public attended the public hearing. One written comment in support was received.

Virginia Olsen, Oceanville Seafood, Stonington

My name is Virginia Olsen; I am a shellfish dealer from Stonington, Me., and I am in favor of the proposed amendments. Offering more options for packaging will open additional markets within our own state. It would also allow us the same activities as our competing states. I would caution that the Shucker Shellfish Labeling be specific to include the State and Country of the original processor with whatever information you will be requiring, to aid in traceability and to help the consumer identify the origin of the product.

Thank you for your time.

Response:

Regarding Chapter 15.18(B) Tag information pertaining to Country of Origin, effective June 27, 2006, at that time the rules pertaining to County of Origin were written in compliance with the Model Ordinance in effect at that time:

The Interstate Shellfish Sanitation Conference meets every two years. Tag requirements were updated in 2003 and the subsequent Maine Rulemaking followed with changes effective April 27, 2004. A notice was mailed to all Certified Dealers on February 1, 2005 regarding bulk tagging requirements proposed for the August 2005 Conference: "The ISSC executive board has submitted proposals to the conference for consideration that involve changes to definitions, tagging requirements, etc. These proposed changes are to add "keep refrigerated" on tags and on shucked product labels, to allow the printing of language in order to meet the Country of Origin Labeling laws under the USDA and definitions of 'raw' and 'post harvest processing'." The Conference next met in August 2005 and these regulations would meet the 2005 Model Ordinance updates pertaining to tags authorized at that time.

The most recent Model Ordinance rules [effective from the 2007 Conference, posted November 17, 2008](#), are due to be updated in DMR's regulations in their entirety in fall of 2009. In the interim Chapter 15.21(A) states that labels be "marked in accordance with applicable federal and state regulations". Therefore federal rules that now mandate Country of Origin labeling are required; and County of Origin is already included on the sample tags in Chapter 15 since the effective date June 27, 2006.