

§6073. Exclusivity; prohibition or interference

1. Exclusivity. Each lease for aquaculture shall be exclusive for the species and to the extent provided by the commissioner in the lease.

[PL 1977, c. 661, §5 (NEW).]

2. Prohibition on interference. It shall be unlawful to interfere with the rights provided in a lease.

[PL 1977, c. 661, §5 (NEW).]

2-A. Cultchless American oysters; possession. Prior to the point of retail sale, a person may not possess a cultchless American oyster grown in the State unless that person:

A. Is a grower licensed under section 6863, an employee of a licensed grower or an agent of a licensed grower; or [PL 1991, c. 876, §1 (NEW).]

B. Is in the possession of a bill of sale or a bill of lading that includes the license number of the grower. [PL 1991, c. 876, §1 (NEW).]

[PL 1991, c. 876, §1 (NEW).]

2-B. Marking. In the coastal waters of the State, a person may not mark or designate an area as a sea farm, aquaculture lease or other similar designation unless that area is currently leased for aquaculture or is under consideration by the department for a lease through the aquaculture lease application process.

[PL 2007, c. 212, §3 (NEW).]

3. Penalty. Any person who violates subsection 2-A or who knowingly and willfully violates subsection 2 is guilty of a Class D crime, except that, notwithstanding Title 17-A, sections 4-A, 1704 and 1705, the court shall impose a fine of not less than \$1,000 and restitution may be ordered made to the owner of the lease in an amount set by the court pursuant to Title 17-A, chapter 69.

[PL 2019, c. 113, Pt. C, §10 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1991, c. 284 (AMD). PL 1991, c. 876, §1 (AMD). PL 1995, c. 157, §1 (AMD). PL 2007, c. 212, §3 (AMD). PL 2019, c. 113, Pt. C, §10 (AMD).

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