

**§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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