

House Bill 565

By: Representative Jones of the 167th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to fish,
2 so as to provide for mariculture development; to provide for a short title; to provide for
3 definitions; to provide for a Mariculture Advisory Panel; to provide for permitting of master
4 harvesters, harvesters, and farmers; to provide for mariculture safety standards; to provide
5 for food safety standards; to provide for the leasing of state shellfish beds or subtidal water
6 bottoms; to provide for a performance bond; to provide for statutory construction; to provide
7 for the removal of shellfish from certain areas; to provide for tagging and labeling of
8 shellfish and shellfish containers; to provide for time and temperature requirements; to
9 provide for suspending and closing of mariculture activities; to require portable marine toilets
10 on licensed vessels; to provide for department authorization of certain acts; to provide for
11 unlawful acts; to provide for prima-facie evidence of intention to sell shellfish for use as
12 food; to provide for department personnel to take samples of shellfish and to confiscate
13 shellfish taken in violation of this part; to provide for penalties; to provide for related
14 matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

17 Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to fish, is amended
18 by redesignating the current provisions of Article 6, relating to aquaculture development, as
19 "Part 1" of such article and by replacing "article" with "part" each time such term appears in
20 said part.

21 style="text-align:center">**SECTION 2.**

22 Said chapter is further amended by adding a new part to Article 6, relating to aquaculture
23 development, to read as follows:

24 "Part 225 27-4-265.26 This part shall be known and may be cited as the 'Georgia Mariculture Development Act.'27 27-4-266.28 As used in this part, the term:29 (1) 'Advisory panel' means the Mariculture Advisory Panel created pursuant to Code
30 Section 27-4-267.31 (2) 'Certified dealers' means those persons permitted to handle shellfish according to the
32 guidelines of the National Shellfish Sanitation Program and regulated by the department
33 under Code Section 27-4-197 or by the state shellfish control authority where the product
34 originated.35 (3) 'Certified shellfish pathologist' means a pathologist approved by the United States
36 Food and Drug Administration.37 (4) 'Commercial quantities' means two or more bags of oysters per vessel or more than
38 one 5 gallon bucket of unshucked hard clams per person or more than two 5 gallon
39 buckets of unshucked hard clams per vessel or more than two 5 gallon buckets of
40 unshucked molluscan shellfish species.41 (5) 'Diploid seed' means oysters having two sets of chromosomes as found naturally and
42 that are capable of reproducing.43 (6) 'Farmer' means an individual who harvests shellfish on specified leased areas under
44 the supervision of a master harvester or harvester.45 (7) 'Harvester' means a person who is authorized by the department to harvest shellfish
46 for commercial purposes at the request of a master harvester.47 (8) 'Interstate certified shellfish shippers list' means a United States Food and Drug
48 Administration publication of shellfish dealers, domestic and foreign, that have been
49 certified by a state or foreign authority as meeting the public health control measures
50 specified in the National Shellfish Sanitation Program.51 (9) 'Intertidal' means the area of the marine shoreline that is exposed to air at mean low
52 tide and covered with seawater at mean high tide.53 (10) 'Mariculture' means controlled cultivation in confinement of marine and estuarine
54 organisms in salt waters for commercial purposes only.55 (11) 'Mariculture safety standards for Georgia' means all federal, state, and, where
56 applicable, local food safety rules and regulations for the proper incubation, harvesting,
57 growing, handling, processing, interstate commerce, or distribution of the marketable
58 product covered by this part as prescribed by the National Shellfish Sanitation Program.

59 the department, the Georgia Department of Agriculture, the Georgia Department of
 60 Health, where applicable, or other applicable food safety standards.

61 (12) 'Master harvester' means a person who has acquired a lease with permission to grow
 62 or harvest shellfish from the state or from an owner with exclusive rights to shellfish
 63 pursuant to Code Sections 44-8-6 through 44-8-8, and who has been certified by the
 64 Department of Agriculture.

65 (13) 'Red tide' means seawater discolored by the presence of large numbers of
 66 dinoflagellates, including, but not limited to, genera Karenia, Gymnodinium, and
 67 Alexandrium, which typically produce a toxin that is especially poisonous to many forms
 68 of marine vertebrate life and to humans who consume contaminated shellfish.

69 (14) 'Shellfish' means clams, oysters, mussels, or any bivalve mollusk inhabiting the
 70 coastal estuaries, marshes, or beaches of coastal Georgia.

71 (15) 'Shellfish seed' means juvenile shellstock intended for growth to market size.

72 (16) 'Subtidal' means the area of the marine shoreline that is below mean low tide and
 73 is covered with seawater at all stages of the tide.

74 (17) 'Unapproved growing area' means those areas unapproved by the department for
 75 shellfish harvesting.

76 27-4-267.

77 There is created the Mariculture Advisory Panel.

78 (1) The department shall form a Mariculture Advisory Panel consistent with other
 79 advisory panels formed by the department.

80 (2) The advisory panel shall transmit to the chairpersons of the Game, Fish, and Parks
 81 Committee of the House of Representatives and the Senate Natural Resources and the
 82 Environment Committee a list of recommended legislation necessary to improve
 83 Georgia's mariculture industry.

84 27-4-268.

85 (a) Each person involved in the commercial harvesting of shellfish shall obtain a permit
 86 from the department. All mariculture training shall meet and comply with all rules,
 87 regulations, and requirements of the National Shellfish Sanitation Program.

88 (b)(1) A master harvester shall possess a valid shellfish sanitation certificate, wholesale
 89 fish dealer's license, food sales establishment license, commercial fishing license, and
 90 commercial fishing vessel license. A master harvester that is certified by the Department
 91 of Agriculture may harvest, handle, store, process, or ship shellfish to any distributor,
 92 food sales or private food service establishment, or any other certified dealer so long as
 93 the product is tagged with a dealer tag and accompanied by a bill of lading or invoice that

94 identifies the type and quantity of product, harvest area designated by the department,
95 harvest date, and the persons involved in the sale.

96 (2) The department may issue master harvester and harvester permits and leases for the
97 exclusive right to cultivate and harvest oysters, clams, and other approved shellfish to any
98 person. Master harvester and harvester permits shall specify whether the permittee is
99 authorized to take oysters, clams, or other shellfish and shall only be issued to persons
100 certified by the Department of Agriculture to handle shellfish unless permission to take
101 and possess shellfish for mariculture purposes has been granted by the department as
102 described in subsection (d) of Code Section 27-4-197. Such permits shall be provided
103 annually by the department at no cost to the permittee but shall only be issued to persons
104 with the right to harvest shellfish pursuant to Code Sections 44-8-6 through 44-8-8 or to
105 holders of leases from such persons.

106 (3) Master harvesters and harvesters shall provide satisfactory evidence of a performance
107 bond to the department to ensure compliance with the procedures and standards contained
108 in this part. Such performance bond shall be in the minimum amount of \$20,000.00 and
109 conditioned upon faithful compliance with the conditions and terms of this part. Such
110 performance bond shall be placed on file annually with the department and the funds shall
111 be made payable to the department and issued by an insurance company authorized to
112 issue such bonds in this state.

113 (4) A master harvester or harvester permittee may request authorization from the
114 department for employees or agents of such permittee, who shall be referred to as
115 farmers, to take shellfish from permitted areas. Such request shall be made in writing to
116 the department and shall include the name, address, and commercial fishing license
117 number of each farmer.

118 (5) A master harvester or harvester permit shall not be issued if the permittee has failed
119 to comply with the provisions of this part during the previous harvest season or if
120 issuance is determined by the department not to be in accordance with sound, current
121 principles of wildlife research and management. Permits may be revoked or suspended
122 pursuant to Code Section 27-2-25.

123 (6) Master harvester permittees shall submit a sworn statement attesting that the
124 permittee possesses a valid shellfish sanitation certificate, wholesale fish dealer's license,
125 food sales establishment license, commercial fishing license, commercial fishing vessel
126 license, and a shellfish facility certified by the Department of Agriculture or that all
127 shellfish harvested shall be handled through a facility that meets the sanitation
128 requirements required by the Department of Agriculture in order to comply with current
129 National Shellfish Sanitation program requirements.

- 130 (7) Mariculture activities on a subtidal water bottoms lease shall require a performance
131 bond in an amount and under such conditions as the department may require. Such bond
132 must be provided to the department prior to the issuance of a master harvester permit.
- 133 (c)(1) Farmers shall be issued a mariculture farmer permit that identifies the specific
134 leased area approved by the department, and such permit shall be in the farmer's
135 possession while engaging in mariculture activities. A farmer may also have a harvester
136 or master harvester permit.
- 137 (2) Harvesters do not have to be certified by the Department of Agriculture or have
138 facilities related to the handling, storage, shucking, packing, shipping, or selling of
139 shellfish.
- 140 (3) Harvesters shall sell their product to a dealer that is certified by the Department of
141 Agriculture and classified as a shellstock shipper, repacker, or shucker-packer as defined
142 by the National Shellfish Sanitation Program.
- 143 (4) Master harvesters and harvesters may not harvest product for commercial sale
144 without having properly tagged the product and without having a bill of lading or invoice
145 that identifies the type and quantity of product, harvest area designated by the
146 department, harvest date, and the persons involved in the sale, unless the farmer also has
147 a master harvester permit. Farmers shall have no authority to own or issue tags unless
148 the farmer also has a master harvester or harvester permit.
- 149 (5) Master harvesters or harvesters may employ farmers who have been issued
150 mariculture harvester permits from the department, specific only to the master harvester's
151 or harvester's approved mariculture lease.
- 152 (6) The master harvester or harvester that holds the lease is responsible for ensuring that
153 farmers follow best mariculture practices and sell harvested product only to certified
154 dealers.
- 155 (d)(1) At the written request of a master harvester or harvester and by application to the
156 department, the department may grant to any individual a mariculture harvester permit
157 for the right to harvest shellfish in specified areas leased by the master harvester or
158 harvester. The mariculture harvester permit shall be issued only to individuals employed
159 by a master harvester or harvester.
- 160 (2) Farmers shall be required to watch a shellfish harvesting sanitation video at the
161 department.
- 162 (3) Master harvesters or harvesters shall possess a valid commercial fishing license as
163 provided for in Code Section 27-4-110 and, when a boat is used, a valid commercial
164 fishing boat license as provided for in Code Section 27-2-8.
- 165 (4) Mariculture harvester permits and charts shall be provided annually by the
166 department at no cost to the permittee on forms prescribed by the department.

167 (5) A permitted master harvester or harvester may request authorization from the
168 department for employees or agents of such permittee to take shellfish from permitted
169 areas. Such request shall be made in writing to the department; shall include the name,
170 address, and commercial fishing license number of the harvester; and shall specify
171 whether the permittee is authorized to take oysters, clams, or other shellfish.

172 (e) Master harvester, harvester, or farmer permits shall not be issued to persons who have
173 been convicted three times in the two years immediately preceding the filing of an
174 application for any permit violation pursuant to Code Section 27-4-193, 27-4-195,
175 or 27-4-277.

176 (f) Master harvester, harvester, and farmer permits shall be surrendered to the department
177 upon termination of the right to harvest shellfish. If a master harvester or harvester
178 removes a farmer's authorization to take shellfish, such farmer shall immediately surrender
179 his or her permit to the department.

180 27-4-269.

181 In all matters related to mariculture covered in the part, unless specifically stated otherwise,
182 the mariculture safety standards for Georgia shall apply. If it is found that any portion of
183 this part is in noncompliance with other applicable federal, state, or local law not covered
184 by the mariculture safety standards for Georgia, such federal, state, or local law shall
185 prevail and supersede the specific noncompliant portions of this part.

186 27-4-270.

187 (a) Any person desiring to lease any department approved state shellfish beds, or intertidal
188 bottoms, submerged water bottoms, and subtidal water bottoms instead of shellfish beds,
189 for the exclusive rights to harvest shellfish pursuant to this Code section shall make an
190 application in writing to the department. The application shall include the name and legal
191 residence of the applicant, a National Oceanic and Atmospheric Administration chart
192 indicating the area desired to be leased, the names and addresses of adjacent landowners
193 as recorded on county tax maps and verification of such information in such form as the
194 department may prescribe, proposed plans in accordance with National Shellfish Sanitation
195 Program rules and regulations for managing the resources, and such other information as
196 the department may prescribe. Only licensed master harvesters or licensed harvesters are
197 eligible to apply for such lease.

198 (b)(1) Upon receipt of the application for the lease of shellfish beds or subtidal water
199 bottoms, the department shall ascertain the general nature, character, surroundings, and
200 resource value of the area sought to be leased. In the event the department determines
201 that the area or a portion thereof is suitable for leasing and such a lease would be in the

202 best interests of the state, the department may offer the lease, through public competitive
203 bidding, of the entire area or any portion thereof as described in the application.

204 (2) The department shall cause to be published once per week for two consecutive weeks
205 in the legal organ of the county or counties in which the area to be leased is located an
206 advertisement for an invitation to bid, setting forth a description of the area proposed to
207 be leased; the date, time, and place for receiving bids; the minimum acceptable bid as
208 determined by the department; and such other information as the department may deem
209 necessary.

210 (3) Prior to such advertisement, the department shall prepare a proposed form of lease
211 and appropriate instructions which shall be available to prospective bidders under such
212 conditions as the department may prescribe. Sealed bids shall be submitted to the
213 department and each bid shall be accompanied by a refundable official check for the total
214 annual amount of the submitted bid. The funds submitted by the successful bidder shall
215 be applied toward the lease.

216 (4) Each sealed bid shall be accompanied by a detailed management plan for working
217 the shellfish beds or subtidal water bottoms.

218 (5) The lease form shall contain provisions regarding the term of the lease, the method
219 of taking shellfish, cultivating shellfish in approved gear, the time and place for payment
220 of the lease, the minimum replanting or management requirements of the shellfish to be
221 harvested, the placement and type of signs to mark the site as a leased area, and such
222 other terms as the department deems necessary.

223 (c) All bids shall be opened in public on the date and at the time and place specified in the
224 advertisement of the invitation to bid. The department shall announce which bid and
225 bidder it considers most advantageous to the state. In so considering, the department shall
226 give preference to residents over nonresidents who have submitted equal bids. The
227 department shall have the right to reject bids.

228 (d) Issuance of a lease depends on the availability of permitted areas, the experience and
229 knowledge of mariculture demonstrated by the applicant, and the merits of the applicant's
230 shellfish management plan. Leases may be terminated if the master harvester fails to
231 maintain on-shore storage and processing facilities, fails to adequately supervise harvesters,
232 or fails to maintain the shellfish lease area as required by applicable state law.

233 (e) If a leaseholder violates any provision of the lease pursuant to this part, the
234 commissioner may terminate the lease, provided that no lease shall be revoked under this
235 subsection without opportunity for a hearing in accordance with Chapter 13 of Title 50, the
236 'Georgia Administrative Procedure Act.'

237 (f) Shellfish beds and subtidal water bottoms leased pursuant to this Code section shall
238 have signage posted at the nearest bank to the site by the lessee so as to identify clearly the

239 areas so leased. The lessee shall also have a copy of the lease recorded within 30 days of
240 the execution of the lease by the clerk of the superior court of the county or counties in
241 which the leased area is located.

242 27-4-271.

243 (a) The department is authorized to issued permission to remove shellfish from areas
244 where those shellfish may be destroyed by dredging, development, or other destructive
245 activities without entering into a lease as described in Code Section 27-4-270. Such
246 permission shall include terms and conditions as the department may prescribe and shall
247 be issued only to master harvester permittees. The department shall notify permittees of
248 its intentions to issue such permission and set forth details on the proposed activity, along
249 with directions on how permittees may participate in the removal. When such permission
250 is issued, permittees shall pay directly to the department a one-time fee not to exceed
251 \$500.00 as set by the department.

252 (b) The department is authorized to issue permission to remove shellfish from unapproved
253 growing areas without entering into a lease as described in this Code section. Such
254 permission shall be issued only to master harvester permittees and under guidelines as set
255 forth in subsection (a) of this Code section.

256 27-4-272.

257 (a) Shellfish shall be properly tagged and all labels shall indicate such information as
258 required by the Department of Agriculture.

259 (b) Shellfish containers shall properly display a harvest tag approved by the department
260 that meets the requirements of the current National Shellfish Sanitation Program regarding
261 shellfish identification. It shall be unlawful to possess shellfish which are not properly
262 tagged or labeled according to this Code section. Such tags or labels shall indicate the
263 information required by the Department of Agriculture.

264 (c) Shellfish containers shall comply with the requirements of Code Section 27-4-197.

265 (d) Failure to comply with this Code section shall subject the lessor to fines and penalties
266 as determined by the commissioner.

267 27-4-273.

268 (a) Time and temperature harvesting controls shall be met by each master harvester,
269 harvester, and farmer based on seasonal water temperatures, the annual risk assessment for
270 vibrio controls conducted by the department, and recommendations of the current National
271 Shellfish Sanitation Program regarding shellstock time to temperature controls.

272 (b) The master harvester, harvester, and farmer may use any control strategy or
273 combination of control strategies so long as time and temperature requirements are met
274 from harvest to refrigeration and the department is in agreement with those controls that
275 best reduce vibrio risk.

276 27-4- 274.

277 (a) The department has the authority to suspend mariculture harvesting if any of the
278 following occurs:

279 (1) Storm events that the department determines could create or cause safety hazards to
280 maritime navigation;

281 (2) The presence of unsafe levels of fecal matter as established by the United States
282 Environmental Protection Agency or any disease-causing bacteria in the mariculture
283 areas;

284 (3) In the event of a red tide; or

285 (4) Due to the presence of nondisease contaminants that threaten the viability of the crop
286 or human health upon consumption of contaminated product.

287 (b) The department has the authority to close any commercial fishing season, area, or
288 activity in the salt waters of this state whenever a natural or manmade disaster threatens the
289 future or present well-being of a fishery resource or its habitat in any part of the salt waters
290 of this state as follows:

291 (1) The department shall use any reasonable means to give notice to the public of an
292 emergency closure issued pursuant to subsection (a) of this Code section as soon as
293 practicable. An emergency closure notice shall specify the cause of the emergency and
294 the fishing season, area, or activity closed and, if known, the duration of the closure;

295 (2) When taking emergency action under this Code section, the department shall notify
296 the Governor and appropriate standing committees of the Senate and the House of
297 Representatives of its actions as soon as practicable. Supporting resource assessments,
298 scientific documentation, and notice of action taken shall be provided to the committees;

299 (3) During the first three days of an emergency closure instituted under this Code
300 section, the department shall issue warnings only for the first violation of the closure; and

301 (4) The department shall monitor the situation or occurrence under which the emergency
302 arose and shall reopen the closed season, area, or activity as soon as, but only when, the
303 threat to the resource or its habitat no longer exists.

304 27-4-275.

305 Any commercially licensed vessels engaged in commercial shellfish harvest or transport,
306 whether with shellfish on board or not, shall have on board a portable marine toilet as
307 defined in Code Section 52-7-3.

308 27-4-276.

309 (a) The department may authorize a person to possess for commercial purposes shellfish
310 taken from the salt waters of this state other than by hand or hand-held implement for
311 harvest of wild shellfish upon such conditions as the department determines are in
312 accordance with current, sound principles of wildlife research and management.

313 (b) A person may only take or possess shellfish taken by other equipment, including but
314 not limited to rock dredges, escalator dredges, hydraulic dredges, mechanical tongs, patent
315 tongs, and any other power drawn or driven device, with prior written authorization from
316 the department. A copy of the written permission shall be in the possession of the
317 authorized harvester at all times. The conditions of the written authorization shall be met.

318 (c) A person may build or operate a facility for controlled purification of shellfish only
319 with prior written authorization from the department. In issuing such authorization, the
320 department shall consider such current guidelines as have been established by the National
321 Shellfish Sanitation Program and the rules and regulations of the Department of
322 Agriculture at the time of such authorization.

323 (d) A person may engage in transplanting of shellfish from unapproved growing areas only
324 with prior written authorization from the department. Such authorization may condition
325 the transplanting upon compliance with current, sound principles of wildlife research and
326 management. In issuing such authorization, the department shall consider such current
327 guidelines as have been established by the National Shellfish Sanitation Program at the
328 time of approval of the growing areas and current, sound principles of wildlife research and
329 management.

330 27-4-277.

331 (a) It shall be unlawful:

332 (1) To take shellfish from any of the salt waters of this state except as allowed in this
333 part;

334 (2) To take or possess shellfish in commercial quantities or for commercial purposes
335 without first having obtained a master harvester permit, harvester permit, or farmer
336 permit issued by the department pursuant to Code Section 27-4-268;

337 (3) For harvesters to take or possess shellfish as authorized under their employer's master
338 harvester or harvester permit unless he or she possesses on their person, while taking or

339 in possession of shellfish, a harvester's permit as provided by the department indicating
340 the exact area and circumstances allowed for such taking or possession;
341 (4) To possess unauthorized harvester permits or harvester permits issued to another
342 person;
343 (5) For any person to take or possess shellfish from unauthorized locations and during
344 emergency closings;
345 (6) For master harvesters or harvesters to take or possess shellfish in commercial
346 quantities or for commercial purposes without first having obtained a master harvester
347 or harvester permit or without proof that such shellfish were purchased from a certified
348 fish dealer listed on the current interstate certified shellfish shippers list;
349 (7) To give permission to take shellfish from any area not opened pursuant to this part
350 or to give permission to harvest shellfish from areas for which the person granting such
351 permission does not have harvesting rights;
352 (8) To take or possess shellfish from unapproved growing areas except as allowed in this
353 part;
354 (9) To affix harvest tags approved by the department onto containers of another or to fail
355 to surrender unused harvest tags to the department upon termination of a master harvester
356 permit pursuant to Code Section 27-4-272;
357 (10) To possess shellfish seed from out-of-state sources unless those shellfish were
358 purchased from certified dealers listed on the current interstate certified shellfish shippers
359 list within the designated geographic area pursuant to Code Section 27-4-270;
360 (11) To take or attempt to take shellfish from any bottoms or waters of this state for any
361 purpose by dredges, hydraulic escalators, patent tongs, hoists, cranes, and mechanical
362 shellfish harvesters, without obtaining a prior written authorization from the department
363 pursuant to Code Section 27-4-276. Any commercial equipment or vessel used in
364 violating this subsection and any shellfish in possession at the time of a violation shall
365 be considered contraband;
366 (12) For any person handling shellfish for purposes of sale or shipment to fail to keep
367 such shellfish in clean barrels, bags, crates, baskets, or other containers as prescribed by
368 the department;
369 (13) To knowingly produce, manufacture, or possess any forged or false documents,
370 records, or permits provided for in this part; and
371 (14) To intentionally place diseased imported diploid seed in shellfish beds or subtidal
372 water bottoms leased pursuant to Code Section 27-4-270.
373 (b) Any person who violates any provision of this Code section shall, upon conviction
374 thereof, be guilty of a misdemeanor of a high and aggravated nature as defined in
375 paragraph (9) of Code Section 16-1-3.

376 27-4-278.

377 The distribution, sale, or possession with intent to distribute or sell any commercial
378 quantities of shellfish shall be prima-facie evidence that the shellfish were intended for use
379 as food unless prior written approval from the department authorizing such distribution,
380 sale, or possession is presented or unless a transaction record, invoice, sales record, or bill
381 of lading is immediately available from the person in possession.

382 27-4-279.

383 (a) Designated personnel of the department are authorized to take samples from, to enter
384 and have access to, and to examine during normal working hours and at any time when the
385 licensed or authorized activity is being conducted any shellfish beds or subtidal water
386 bottoms, places of business, and other places where shellfish are grown, kept, stored, sold,
387 or held in possession with intent to distribute, sell, or give away. Such personnel are also
388 authorized at any time to take such samples of shellfish as are necessary to carry out the
389 purposes of this part and to have access to and take samples from any streams, tributaries
390 thereof, and lands adjacent thereto, the waters draining from which may come into contact
391 with shellfish. It shall be unlawful for any person to obstruct or in any way interfere with
392 any conservation ranger or other authorized personnel of the department in carrying out the
393 purposes of this part.

394 (b) Prior to and at point of landing, designated personnel of the department are authorized
395 to seize, confiscate, and remove any shellfish discovered which were taken or possessed
396 in violation of this part. Whenever designated personnel of the department have clear
397 evidence that shellfish may have been taken, contained, or stored in such a manner that
398 may render the shellfish adulterated, misbranded, or tainted or may otherwise pose a public
399 health problem, the conservation ranger or designated personnel are authorized to seize,
400 confiscate, and remove any such shellfish. Violators shall be subject to fines and penalties
401 as determined by the commissioner. Such shellfish shall be destroyed or returned to the
402 resource according to methods prescribed by the department."

403 **SECTION 3.**

404 All laws and parts of laws in conflict with this Act are repealed.