

# Guidance to Maine oyster farmers on selling your product in-state.



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## Introduction

For an oyster farm to be a profitable enterprise, farmers need to get the product to market. The options that are available to them — especially new farmers — can sometimes be confusing. This sheet briefly summarizes some simple ways that holders of a valid Maine Aquaculture License can get their shellfish to market. This sheet does not cover Certified Shellfish Dealer, Seafood Retail, shipping shellfish, or other shellfish licenses, and producers are encouraged to contact their local Marine Patrol Officer for details on those. Maine Department of Marine Resources (DMR) has an Aquaculture License specifically for harvesting farm raised products. This license does not apply to wild harvest activities, which still fall under the regulations of a commercial shellfish license. This license can be found on the DMR website at: [maine.gov/dmr/commercial-fishing/licenses/documents/2018/2018%20Clam-Worm-Green%20Crab-Aquaculture%20License.docx.pdf](http://maine.gov/dmr/commercial-fishing/licenses/documents/2018/2018%20Clam-Worm-Green%20Crab-Aquaculture%20License.docx.pdf)

Producers should also become fully familiar with Maine shellfish harvester regulations that are posted on line at: [maine.gov/dmr/laws-regulations/regulations/index.html](http://maine.gov/dmr/laws-regulations/regulations/index.html).

This descriptive document does not in any way replace or supersede DMR regulation.

## The following are some common scenarios under which holders of a valid Maine Aquaculture License and a valid aquaculture lease can sell their shellfish:

### 1. Selling off the farm

Leaseholders and their named designees are allowed to sell shellfish, in the retail trade, directly off the farm (Maine Statute §6810-B.4 [mainelegislature.org/legis/statutes/12/title12sec6810-B.html](http://mainelegislature.org/legis/statutes/12/title12sec6810-B.html)). Under this scenario, growers are not allowed to travel off the farm site to make sales; the transaction must take place at the farm site. Growers are strongly advised to be sure that buyers are prepared to take proper care of the product; this means that buyers should have appropriate coolers and ice or gel packs to keep shellfish below 45°F. Producers must keep records of the date and number of pieces/pounds of the shellfish landed, for annual reporting to the Maine Department of Marine Resources.

### 2. Selling from home

Licensed commercial shellfish producers may sell directly from their home in the retail trade. Sales must be to the final consumer (*i.e.*: not for re-sale), and no delivery is allowed. Records of the date and number/pounds of shellfish on file thereafter for 90 days. Home sales from sites in a *Vibrio* Control Area are prohibited when the Control Period is in effect.

### 3. Selling to a certified shellfish dealer

Selling to a certified shellfish dealer is perhaps the easiest way to get your shellfish to market, and a good way to move larger volumes of product. Shellfish must be identified with a harvester tag at the time of harvest, and should be transported to the dealer as quickly as possible. Other regulations (such as a *Vibrio* Control Plan) may apply. In the event that you need to find certified shellfish dealers in your area as potential customers, a full list of shellfish dealers is available from the Maine Department of Marine Resources, online at: [maine.gov/dmr/shellfish-sanitation-management/programs/certified-dealers.html](http://maine.gov/dmr/shellfish-sanitation-management/programs/certified-dealers.html)



#### 4. Selling directly to a restaurant

Shellfish can be sold directly from the licensed harvester/grower to a restaurant, as long as the restaurant is either a certified shellfish dealer, or has a current Enhanced Retail License. All regulations about tagging, record keeping and shellfish handling will apply. A full list of Enhanced Retail License holders is available from the Maine Department of Marine Resources, online at: [maine.gov/dmr/shellfish-sanitation-management/programs/enhanced-retailers.html](http://maine.gov/dmr/shellfish-sanitation-management/programs/enhanced-retailers.html)



Growers may have questions about other more complicated ways to market their shellfish, such as weddings and other events, or selling at a farmer's market. For these endeavors, shellfish farmers are best advised to contact the Maine Department of Marine Resources Division of Marine Patrol for specific details. In general, when shellfish are transported to an offsite retail outlet, they must first go through a Certified Dealer and get tagged with dealer tags.

#### Overall, here are some common tips for you as an oyster farmer as you begin to explore selling your product.

##### #1: Know the regulations!

Knowing and following the harvest regulations will not only keep you out of trouble with Marine Patrol, it will more importantly help to keep your product safe to eat! Harvester regulations can be found online at: [maine.gov/dmr/laws-regulations/regulations/index.html](http://maine.gov/dmr/laws-regulations/regulations/index.html).

##### #2: Keep it cold!

To keep your product at its top quality, get your oysters below 50°F as soon as possible. Gel packs and clean ice are your best friends. At the very least, be sure that harvested oysters are kept shaded and in as cool a condition as can be, as quickly as can be.

##### #3. Keep it clean!

Thoroughly rinse your product so that it is free of mud and sediment before leaving the harvest site. All harvest gear and conveyances for storage and transportation should be kept clean, free of contamination by any unsafe materials, and as a best practice, should be kept presentable. Vehicles, boats, and coolers all are representations of your product, and it is to your advantage to pay attention in this regard.

##### #4. Tagging and record keeping

Harvested oysters need to be tagged appropriately. Tags need to be waterproof, and written out legibly. These tags are kept on file by the dealer for a minimum of 90 days. Know what your responsibilities are.



## Vibrio bacteria control

The *Vibrio parahaemolyticus* Control Plan provides additional and more rigorous controls for the handling of Eastern and European oysters (*Crassostrea virginica* and *Ostrea edulis*) and hard clams (*Mercenaria mercenaria*). Currently, the control plan is in effect from May 1<sup>st</sup> through October 31<sup>st</sup>, and in the areas of the Damariscotta River north of Montgomery Point, the Sheepscot River north of Route 1, and the New Meadows River north of the Bath/State Road. The dates and areas of the Control Plan are subject to change annually, so please check DMR Regulation Chapter 115 found on the DMR website: [maine.gov/dmr/laws-regulations/regulations/index.html](http://maine.gov/dmr/laws-regulations/regulations/index.html) for the most current information! For more general information about *Vibrio* bacteria and its dangers, please visit DMR website: [maine.gov/dmr/shellfish-sanitation-management/vibrio.html](http://maine.gov/dmr/shellfish-sanitation-management/vibrio.html).

## Maine Department of Marine Resources contact information:

### For Aquaculture and LPA questions:

Aquaculture Program Director 207.633.9594

### For Harvest Regulations:

Marine Patrol Division I (Kittery to Rockland) 207.633.9500

Marine Patrol Division II (Rockland to Eastport) 207.667.3373

### For Certified Dealer questions:

Seafood Technology Supervisor 207.592.8934



## What you can do with this license

	Aquaculture License
Sell from home?	✓
Sell off the farm? (Leaseholders only)	✓
Sell to a certified shellfish dealer?	✓
Sell to a restaurant if the restaurant also has an Enhanced Retail license?	✓



Photos by Dana Morse, Maine Sea Grant

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