§ 13-0316. Marine hatcheries; off-bottom and on-bottom culture; permits.

1. Marine hatcheries. The department, in its discretion, may issue permits for operation of marine hatcheries. No person shall operate a marine hatchery without first obtaining a permit from the department. The fee for such permit shall be one hundred dollars annually, except that political subdivisions of the state shall be issued permits without fee. Each such permit shall expire on December 31 of the year of issue. A marine hatchery permit entitles the holder thereof, notwithstanding any other provision hereof, to possess, raise and breed marine plant and animal life, including but not limited to shellfish, lobster, crab, shrimp and food fish and to sell the products of a marine hatchery, where less than legal size, to other permitted marine hatcheries, persons holding a valid off-bottom or on-bottom culture permit, persons holding a valid permit issued pursuant to section 11-0515 of this chapter, and, subject to department rules and regulations, to individual or commercial markets for consumption or resale. Products of a marine hatchery of legal size may be sold for consumption or resale. The department may adopt regulations with respect to the purchase, sale, harvesting, transplanting, relaying, receiving, possessing, transporting, exporting or otherwise trafficking in products of a marine hatchery including the sale to individual or commercial markets for consumption or resale.

2. Off-bottom and on-bottom culture. The department, in its discretion, may issue permits for off-bottom and on-bottom culture of marine plant and animal life, including but not limited to shellfish, lobster, crab, shrimp and fish. No person shall engage in such off-bottom or on-bottom culture without first obtaining a permit from the department. The fee for such permit shall be one hundred dollars annually, except that political subdivisions of the state shall be issued permits without fee. Each such permit shall expire on December 31 of the year of issue. No such permit shall be issued unless the applicant has obtained any necessary permits or licenses required under any state or federal law and has obtained the written authorization of the person or political subdivision having title or legal control of the underwater lands on or above which such on-bottom or off-bottom culture

shall take place. An off-bottom or on-bottom culture permit entitles the holder thereof, notwithstanding any other provision hereof, to purchase and possess, from within or without the state, marine plant and animal life of legal and less than legal size for purposes of off-bottom and on-bottom culture only and, subject to department rules and regulations, to sell such marine animal and plant life of less than legal size. Products of off-bottom and on-bottom culture of legal size may be sold to individual or commercial markets for consumption or resale. The department may adopt regulations, necessary to protect the marine environment and public health and safety, with respect to the construction, marketing and maintenance of off-bottom and on-bottom culture structures and the purchase, sale, harvesting, possessing, transporting, importing, exporting, or otherwise trafficking in products of off-bottom or on-bottom culture of marine animal and plant life.