MAINE STATE LEGISLATURE

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	SECOND REGUI	LAR SESSION	
O	NE HUNDRED AND	TENTH LEGISLATURE	
Legislative Docu	ment	No. 17	19
Joint Rule 24. Regested and 1,400	by the Department of eference to the Commi	Office of the Clerk of the Hou Marine Resources pursuant ittee on Marine Resources su ved for introduction by the Leg	to ig-
Presented by F	Representative Fowli	EDWIN H. PERT, Cle e of Rockland	erk
	STATE OF	MAINE	
1	IN THE YEAR O NINETEEN HUNDREI	DF OUR LORD D AND EIGHTY-TWO	
AN A	CT Relating to Eme Contaminated Shellf		_
Be it enacted b	by the People of the	e State of Maine as follow	 's:
Sec. 1. c. 661, §5, is		b-§4, as enacted by PL	1977
Sec. 2. 1	2 MRSA §6172, sub-	-§4-A, is enacted to read	d;
of the Maine A 375, an eme shall be effect sioner or his such an eme	Administrative Proce rgency regulation ive immediately upo authorized designo rgency regulation,	twithstanding any provi edure Act, Title 5, che authorized by subsect on signature by the cor ee. Upon promulgation the commissioner shall be to local governmental	apte ion nmis

authorities and shall publish notice of the closure in a newspaper of general circulation in the area of the State affected as soon as possible. Marine patrol officers shall take necessary action to prevent taking of shellfish from that area, including the embargo of contaminated shellfish pursuant to section 6856, subsection 6 and the arrest of any person violating the emergency regulation.

 Sec. 3. 12 MRSA §6192, sub-§4, as enacted by PL 1977, c. 661, §5, is amended to read:

4. Effective date. Any Except as provided in section 6172, an emergency regulation shall become effective immediately upon publication in a newspaper of general circulation in the area of the State affected, provided it is submitted to the Attorney General and filed with the Secretary of State as required under the Maine Administrative Procedure Act, within the next business day following publication.

Statement of Fact

This bill provides for immediate closure of shellfish areas that have been determined to be polluted or contaminated. Such immediate closure is necessary in order to insure the protection of public health.

The present provisions of Title 12, section 6172 and 6192 are inadequate to protect public health, as contaminated shellfish areas can be closed only after notice of the emergency closure has been published in a newspaper of general circulation in the area of closure. In the past, this publication requirement has delayed closing of contaminated areas for up to 4 days, during which time shellfish diggers could lawfully dig and sell contaminated clams from that area for human consumption. Immediate closure is necessary in order to avoid this threat to public health, as are the proposed provisions for embargo of contaminated clams and arrest of shellfish diggers who violate the emergency closure regulation.