# MAINE STATE LEGISLATURE

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#### (EMERGENCY)

#### ONE HUNDRED AND SIXTH LEGISLATURE

### Legislative Document

No. 908

H. P. 703 House of Representatives, February 15, 1973 Referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Shute of Stockton Springs.

#### STATE OF MAINE

## IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-THREE

### AN ACT to Clarify the Law on Handling of Polluted Shellfish.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the shellfish industry of Maine has been faced with serious problems of polluted growing areas; and

Whereas, it has been proven by experiments to be economically feasible to establish depuration plants along the coast to purify shellfish taken from polluted flats to meet the requirements of the U. S. Food and Drug Administration; and

Whereas, certain persons, with the encouragement of the Department of Sea and Shore Fisheries, have undertaken to depurate shellfish, have invested in equipment and plants, and have been successful in depurating shellfish commercially; and

Whereas, State law only allows for the experimental operation of depuration plants and needs clarification for allowing commercial operations of depuration plants; and

Whereas, existing depuration plants may be required to close until the law is changed; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 12, § 3452, repealed and replaced. Section 3452 of Title 12 of the Revised Statutes, as amended by section 1 of chapter 33 of the public laws of 1965, is repealed and the following enacted in place thereof:

#### § 3452. Taking of polluted shellfish

The commissioner may authorize individuals, concerns or entities to take shellfish from polluted flats or waters for the purpose of depurating them in accordance with the requirements set forth in section 4302-B and the regulations promulgated thereunder.

- r. Experiments to effectuate this section. The department shall be authorized to conduct experiments which will effectuate this section, to seek and expend funds necessary for such experiments, to cooperate with concerns, individuals and entities or other agencies in matters relating to depuration, and shall set rules and regulations controlling such experiments or processes.
- 2. Authorizations. All authorizations granted by the commissioner under this section shall be in writing, shall be dated and shall include all information required to define boundaries, establish limits, set forth rights and any other provisions required to assure safety of process and product.
- 3. Sale of depurated shellfish. Depurated shellfish may be sold in accordance with section 4302-B and the regulations promulgated thereunder.
- 4. Penalty. Whoever violates any provision of this section shall be punished by a fine of not less than \$100, nor more than \$300, for each offense, or by imprisonment for not more than 90 days, or by both.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

This Act would allow the commissioner to expand his rules and regulations to allow for proper sale or disposal of shellfish by a properly authorized depuration shellfish plant.