

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

D. OF R.

1
2

L.D. 1292
(Filing No. S- 79)

3
4
5
6

STATE OF MAINE
SENATE
111TH LEGISLATURE
FIRST REGULAR SESSION

7
8
9

SENATE AMENDMENT "A " to COMMITTEE AMENDMENT "A"
to H.P. 987, L.D. 1292, Bill, "AN ACT to Clarify
Certain Provisions of the Marine Resources Laws."

10
11

Amend the Amendment by inserting after the title
the following:

12
13

'Amend the Bill by inserting after section 4 the
following:

14
15
16

Sec. 5. 12 MRSA §6172, sub-§1, as enacted by PL
1977, c. 661, §5, is repealed and the following
enacted in its place:

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

1. Commissioner's powers. The commissioner may
examine the coastal waters and the intertidal zone
and adopt regulations to close coastal waters or
intertidal zone areas if he determines that any
marine mollusks are or may become contaminated or
polluted. The commissioner may adopt or amend regula-
tions as he deems necessary, setting forth standards
for closure of contaminated or polluted areas, giving
consideration to established state water quality
standards, the most recently adopted federal sanita-
tion standards, the most recent generally accepted
research data and known sources of pollution in any
area, in a manner so as to protect the public health
and safety while allowing reasonable use of the
state's shellfish.

32
33
34

Sec. 6. 12 MRSA §6172, sub-§3, as amended by PL
1981, c. 649, §1, is repealed and the following
enacted in its place:

35
36

3. Repeal. The commissioner shall repeal a
regulation closing an area or waters when the marine

D. OF R.

(Filing No.8-79)

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 987,
L.D. 1292

1 mollusks are no longer contaminated or polluted or
2 when the waters meet the sanitary standards set forth
3 in any department regulations. The commissioner shall
4 use emergency regulatory procedures to open areas or
5 waters that have been closed under emergency proce-
6 dures of this section.'

7 Further amend the Amendment in the first line
8 after the title by striking out the word "Amend" and
9 inserting in its place the words 'Further amend'

10 Further amend the Amendment by striking out all
11 of the last paragraph before the statement of fact
12 and inserting in its place the following:

13 'Further amend the Bill by adding at the end
14 before the emergency clause the following:

15 Sec. 9. Present regulations. All regulations of
16 the department promulgated under prior laws, and in
17 effect on the effective date of this Act, shall
18 remain in force until amended or repealed by the com-
19 missioner, as provided in this Act.

20 Further amend the Bill by renumbering the sec-
21 tions to read consecutively.'

D. OF R.

(Filing No. S-79)

SENATE AMENDMENT "A " to COMMITTEE AMENDMENT "A" to H.P. 987,
L.D. 1292

1 STATEMENT OF FACT

2 This amendment clarifies the existing authority
3 of the Commissioner of Marine Resources to adopt
4 regulations to close contaminated flats.

5 3623042983

6 (Sen. Minkowsky)
7 NAME: *Carroll Minkowsky*
8 COUNTY: Androskoggin

Reproduced and distributed pursuant to Senate Rule 11-A.

4/29/83

Filing No. S-79