

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1823

7 H.P. 1307

House of Representatives, January 13, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

10 Reference to the Committee on Marine Resources suggested and ordered
printed.

EDWIN H. PERT, Clerk

Presented by Representative Vose of Eastport.

Cosponsored by Senator Brown of Washington.

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12 STATE OF MAINE
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Create a Paralytic Shellfish Poison
18 Monitoring Program.
19

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

22 Sec. 1. 12 MRSA §6076 is enacted to read:

23 §6076. Paralytic Shellfish Poison Monitoring Program

24 1. Purpose. A comprehensive Paralytic Shellfish
25 Poison Monitoring Program is established to protect
26 the public health while providing for the harvest of
27 susceptible species of marine mollusks in areas not
28 shown to be affected by contamination.

29 2. Responsibilities. The department shall be
30 the state agency responsible for implementing the
31 program. The department may adopt rules under sec-
32 tion 6172 as may be warranted to provide for adequate
33 protection of the public health.

1 Sec. 2. 12 MRSA §6742-A is enacted to read:

2 §6742-A. Mahogany quahog tax

3 1. Definition. As used in this section, unless
4 the context otherwise indicates, the following terms
5 have the following meanings.

6 A. "Dealer" means a person who holds a wholesale
7 seafood license, a shellfish transportation li-
8 cence or a shellfish certificate and who buys
9 mahogany quahogs from the harvester and deals in
10 mahogany quahog in the wholesale trade.

11 B. "Harvester" means a person who takes mahogany
12 quahogs.

13 C. "Landed value" means the price paid to the
14 harvester by the dealer for mahogany quahogs
15 taken from the intertidal zone.

16 2. Tax. Each dealer shall pay a tax of 5% of
17 the landed value of all mahogany quahogs purchased
18 from a harvester. All taxes received under this sec-
19 tion shall be paid into the General Fund.

20 3. Inspection. The commissioner or his duly au-
21 thorized agents shall have free access, ingress and
22 egress at all reasonable hours to any establishment
23 where mahogany quahogs are held or to any records re-
24 quired to make a proper inspection.

25 4. Rulemaking. The commissioner may adopt or
26 amend rules necessary to implement this section, in-
27 cluding regulations governing the records and reports
28 of purchases, sales and shipments of mahogany quahogs
29 and the payment dates for the tax.

30 Sec. 3. Appropriation. The following funds are
31 appropriated form the General Fund to carry out the
32 purposes of this Act.

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MARINE RESOURCES, DEPARTMENT OF

Bureau of Marine Sciences	
Positions	(1.5)
Personal Services	\$ 40,000
All Other	60,000
Capital Expenditures	<u>12,000</u>
Total	\$112,000

 These funds will be used
 for a full-time Scien-
 tist I position and a
 seasonal Conservation
 Aide. Capital require-
 ments will be minimized
 by contracting for boat
 services.

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STATEMENT OF FACT

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 The purpose of this bill is to make provisions
 for the monitoring and testing of mahogany quahogs
 for contamination, specifically "red tide" or
 paralytic shellfish poisoning. A developing fishery
 in mahogany quahogs cannot be monitored "on the
 flats" in the same way as the existing softshell clam
 industry. The intent of this bill is to direct the
 Commissioner of Marine Resources to develop a moni-
 toring program for mahogany quahogs that protects
 public health and allows the reliable export to in-
 terstate markets. The mahogany quahog tax is pro-
 jected to raise approximately \$150,000 annually for
 the General Fund which will be sufficient for the
 recommended appropriation. This estimate is based on
 the estimated \$3,000,000 landed value of the current
 mahogany quahog fishery.

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