

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 828

H.P. 604

House of Representatives, March 17, 1989

Submitted by the Department of Marine Resources pursuant to Joint Rule 24.
Reference to the Committee on Marine Resources suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative MARSH of West Gardiner.

Cosponsored by Representative LOOK of Jonesboro, Senator BRANNIGAN of Cumberland and Representative MITCHELL of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Concerning the Regulatory Authority of the Department of
Marine Resources.



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

3 Sec. 1. 12 MRSA §6071, sub-§3 is enacted to read:

5 3. Products embargoed and condemned. The commissioner or
7 the commissioner's agent may indefinitely embargo, condemn or
9 order to be destroyed any marine species or marine species
11 product imported and introduced to coastal waters in violation of
13 this section whenever it is determined that the product is of
15 unsound quality; contains any filthy, decomposed or putrid
substance; may be poisonous or deleterious to health; or is
otherwise unsafe. The commissioner shall cooperate with those
state and federal agencies having similar responsibility in the
protection of public health and in enforcing the order to
embargo, condemn or destroy.

17 If any marine species or marine species product is embargoed,
19 condemned or ordered destroyed, the commissioner or the
21 commissioner's agent shall, as soon as practical, notify the
owner in writing of the amount and kind of marine species or
marine species product embargoed, condemned or destroyed.

23 Sec. 2. 12 MRSA §6076, sub-§1, as enacted by PL 1985, c. 784,
25 §1, is amended to read:

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

33 Sec. 3. 12 MRSA §6172, as amended by PL 1985, c. 268, §1, is
further amended to read:

35 §6172. Contaminated or polluted flats

37 1. Commissioner's powers. The commissioner may examine the
39 coastal waters and the intertidal zone and adopt regulations
41 rules to close coastal waters or intertidal zone areas if he the
43 commissioner determines that any marine mollusks species are or
45 may become contaminated or polluted. The commissioner may adopt
47 or amend regulations rules as he deems the commissioner
49 determines necessary, setting forth standards for closure of
51 contaminated or polluted areas, giving consideration to
established state water quality standards, the most recently
adopted federal sanitation standards, or other state or federal
public health standards, the most recent generally accepted
research data and known sources of pollution in any area, in a
manner ~~se--as~~ to protect the public health and safety while
allowing reasonable use of the state's ~~shellfish~~ State's marine
species.

