

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1441, L.D. 2010, Bill, "An Act Concerning the Depuration Digging of Shellfish"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1 12 MRSA §6856, sub-§3, as amended by PL 1979, c. 249, is further amended to read:

3. Depuration certificate. The commissioner may issue a depuration certificate to a wholesale seafood license holder which that authorizes the holder to take shellfish from closed areas for depuration and ~~to process or transport them, processing and transportation~~. The certificate shall must establish the limits on harvesting, depurating and processing methods and any other provisions required to assure the public safety. The commissioner may permit depuration of shellfish not contaminated by paralytic shellfish poisoning if it is established that the water used during depuration will not contaminate the shellfish with paralytic shellfish poisoning. To ensure consistency with municipal shellfish conservation programs, established pursuant to section 6671, the commissioner must consult with a municipal shellfish conservation committee before taking action to open an area within that municipality for depuration digging. The commissioner may continue to issue controlled purification certificates for areas that were restricted to depuration digging on September 1, 1989, without consulting municipalities.

Sec. 2 Department of Marine Resources study. The Department of Marine Resources shall establish a group of interested municipal representatives to identify and recommend methods to increase participation by municipalities, interested citizens and municipal shellfish conservation committees in water

2 quality testing, especially as the water quality testing relates
3 to shellfish sanitation sampling and depuration harvesting
4 programs. Municipal representatives must include members of
5 municipal shellfish conservation committees. The department
6 shall also identify and implement methods to increase cooperation
7 and communication between the department and municipalities on
8 shellfish-related issues. The department shall report its
9 findings, any actions taken and any recommendations, including
10 any implementing legislation, by January 15, 1991, to the
11 Executive Director of the Legislative Council for transmittal to
12 the Joint Standing Committee on Marine Resources. The Joint
13 Standing Committee on Marine Resources may introduce legislation
14 to the First Regular Session of the 115th Legislature in response
15 to the department's report.

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FISCAL NOTE

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19 This legislation requires a study by the Department of
20 Marine Resources concerning the local role in shellfish
21 sanitation sampling and depuration harvesting programs. All
22 costs associated with the study including the reporting
23 requirements will be absorbed by the Department of Marine
24 Resources utilizing existing budgeted resources.'

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STATEMENT OF FACT

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29 This amendment deletes the original bill, but reflects the
30 bill's intent by requiring the Commissioner of Marine Resources
31 to consult with the municipal shellfish conservation committee
32 before opening a shellfish area in a municipality for depuration
33 digging. The commissioner may continue to allow depuration
34 digging without notifying municipalities in areas that were
35 restricted to depuration digging on September 1, 1989.

36

37 The amendment also requires the Department of Marine
38 Resources to bring together a group of municipal representatives
39 and interested citizens to discuss methods for increasing the
40 local role in water quality testing, especially as it relates to
41 shellfish sanitation sampling and depuration harvesting programs.
42 The department is required to report its findings to the
43 Legislature.

44

Reported by the Committee on Marine Resources
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