

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "H" to H.P. 1541, L.D. 2126, Bill, "An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs"

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 §6731, sub-§1, as enacted by PL 1981, c. 297, §4, is amended to read:

1. License required. ~~It Except as provided in subsection 3, it is unlawful for any person to engage in the activities authorized under this section without a current seallop mahogany quahog license or---other---license---issued---under---this---Part authorizing the activities.~~

Sec. 2. 12 MRSA §6731, sub-§2, as enacted by PL 1981, c. 297, §4, is repealed and the following is enacted in its place:

2. Licensed activities. The holder of a mahogany quahog license may:

A. Fish for or take mahogany quahogs in any harvesting area indicated on the license;

B. Possess, ship or transport mahogany quahogs within the State; or

C. Sell mahogany quahogs that the holder has taken.

Sec. 3. 12 MRSA §6731, sub-§§4 and 5 are enacted to read:

4. Fee. The fee for a mahogany quahog license is \$53. Fees collected pursuant to this section must be deposited in the General Fund.

2 5. Conditions. Each licensee shall participate in the
3 monitoring program established in section 6731-A within the
4 harvest area indicated on the license. The holder of a mahogany
5 quahog license shall comply with all other conditions of
6 licensing established by the commissioner.

8 **Sec. 4. 12 MRSA §6731-A is enacted to read:**

10 **§6731-A. Mahogany quahog monitoring program**

12 The department shall establish a program to protect the
13 public health by monitoring the levels of paralytic shellfish
14 toxin in mahogany quahogs. The department shall identify
15 harvesting areas, sampling areas and stations needed to achieve
16 this goal in accordance with the following provisions.

18 1. Harvesting areas. The department shall establish
19 harvesting areas that reflect the demand for taking mahogany
20 quahogs by harvesters from the various regions of the State and
21 the relative location of mahogany quahog beds.

22 2. Industry groups. For each harvesting area the
23 department shall establish an industry-based group to select
24 mahogany quahog harvesters to collect samples and transport
25 department personnel to and from sampling areas. Each group
26 shall select and notify the department of the mahogany quahog
27 harvesters assigned to each month's sampling duty in the
28 harvesting area. Mahogany quahog harvesters must be selected for
29 sampling duty on a rotating basis.

30 3. Sampling. The department shall schedule all sampling
31 runs. A department observer shall be on board each vessel
32 engaged in the sampling activity. The department shall notify
33 the harvester in advance as to the time, location and number of
34 samples to be collected. In the event weekly collection of
35 samples is not feasible, an alternative sampling date may be
36 established by the department. The department shall test for the
37 presence of paralytic shellfish toxin in the samples.

38 4. Noncompliance; rules. If the department finds that a
39 harvester is not meeting sampling requirements under a mahogany
40 quahog license, the department shall notify the group. The group
41 shall either resolve the issue with the harvester or advise the
42 department that compliance was not obtained. The commissioner
43 may adopt rules, in accordance with the Maine Administrative
44 Procedure Act, Title 5, chapter 375, necessary to achieve the
45 intent of this section.

FISCAL NOTE

Enactment of this legislation would result in:

1. A potential increase in General Fund revenue in an amount that can not be determined at this time. This increase in General Fund revenue is based on the establishment of a new, separate license for quahogs and basically depends on how many harvesters would obtain both a scallop license and a new quahog license. This increase in revenue is expected to range from \$0 to \$2,650 for Fiscal Year 1990-91;
2. A potential savings to the Department of Marine Resources. Currently the department expends approximately \$30,000 to \$40,000 annually for contractually obtaining samples for "red tide" testing of quahogs. This proposed legislation offers a sample collection system that requires the participation of quahog licensees and therefore the cost is expected to be significantly less; and
3. A potential cost to the Department of Marine Resources for rulemaking. However, the department has indicated that it would absorb any rulemaking costs using existing budgeted resources.'

STATEMENT OF FACT

Mahogany quahogs are similar to mussels and clams and are susceptible to paralytic shellfish toxin, or "red tide." The bill established a separate license for harvesters of mahogany quahogs and created the Mahogany Quahog Monitoring Board to assist the Department of Marine Resources in monitoring paralytic shellfish toxin.

This amendment retains the mahogany quahog license, but eliminates the provisions for the Mahogany Quahog Monitoring Board. In its place, the amendment directs the department to establish an industry group for each harvesting area. The industry group in an area would schedule mahogany quahog harvesters to assist the Department of Marine Resources' paralytic shellfish toxin sampling program. A fiscal note is added.

Reported by the Committee on Marine Resources
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