

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 845

H.P. 594

House of Representatives, February 26, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative COLES of Harpswell.

Cosponsored by Representative GRAY of Sedgwick, Representative TOWNSEND of Eastport and Representative SKOGLUND of St. George.

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STATE OF MAINE

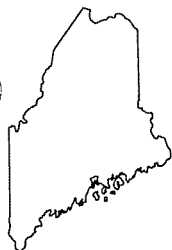
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Reduce Marine Pollution.**

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

2  
3       **Sec. 1. 12 MRSA §6172, sub-§1**, as amended by PL 1989, c. 205,  
4       §3, is further amended to read:

6       1. **Commissioner's powers.** The commissioner may examine the  
7       coastal waters and the intertidal zone and adopt rules to close  
8       coastal waters or intertidal zone areas if the commissioner  
9       determines that any marine species are or may become contaminated  
10      or polluted. Upon presentation of credentials and consent of the  
11      owner, the commissioner or any authorized employee of the  
12      department may enter upon private premises at reasonable times  
13      for the purpose of identifying sources of pollution. Upon being  
14      denied access, the commissioner or an authorized employee may  
15      seek a search warrant in a court of competent jurisdiction. The  
16      commissioner may adopt or amend rules as the commissioner  
17      determines necessary, setting forth standards for closure of  
18      contaminated or polluted areas, giving consideration to  
19      established state water quality standards, the most recently  
20      adopted federal sanitation standards, or other state or federal  
21      public health standards, the most recent generally accepted  
22      research data and known sources of pollution in any area, in a  
23      manner to protect the public health and safety while allowing  
24      reasonable use of the State's marine species.

26       **Sec. 2. 12 MRSA §6671, sub-§8, ¶¶B and C**, as enacted by PL  
27       1983, c. 838, §4, are amended to read:

28  
29       B. Any municipal shellfish conservation warden appointed by  
30       a municipality to enforce the provisions of this ~~Article~~  
31       shall article, within one year of appointment, must be  
32       certified by the commissioner. The commissioner shall  
33       establish a program to provide shellfish conservation  
34       training in principles of shellfish conservation,  
35       management, enforcement and protection and shall establish  
36       standards for certification of municipal conservation  
37       wardens upon their satisfactory completion of the training  
38       program. The program must include training in sampling  
39       techniques for the detection of pollutants and contaminants  
40       in shellfish areas. The commissioner may establish by rule  
41       procedures for certification, recertification and for  
42       revocation of certification. A certificate may be revoked  
43       for failure of the warden to comply with the performance  
44       standards established by the commissioner.

46       C. A certified municipal shellfish conservation warden  
47       shall enforce the shellfish ordinances of the municipality  
48       employing ~~him~~ the warden and may arrest all violators. The  
49       warden may serve all process pertaining to the ordinance.  
50       The warden shall also have has, within his that warden's  
51       jurisdiction, the powers of a marine patrol officer provided  
52       in section 6025, subsection 4. All of the powers conferred

1 in this subsection shall ~~be~~ are limited to the enforcement  
2 of a municipal shellfish conservation ordinance.

4 At the commissioner's request, a certified municipal  
6 shellfish conservation warden shall collect samples and  
8 otherwise assist the department in the detection of  
pollutants and contaminants.

10 **Sec. 3. 38 MRSA §410-F**, as enacted by PL 1987, c. 843, §1, is  
amended to read:

12 **§410-F. Marine Environmental Monitoring Program**

14 The Department of Environmental Protection in cooperation  
16 with the Department of Marine Resources shall establish the  
Marine Environmental Monitoring Program. The initial purpose of  
18 this program shall ~~be~~ is to design a monitoring program to  
20 examine the extent and effect of industrial contaminants and  
pollutants on marine and estuarine ecosystems and to determine  
22 compliance with and attainment of water quality standards under  
article 4-A. This study shall ~~must~~ include, but is not be  
limited to:

24 1. **Sources.** The sources, fates and biological availability  
of these contaminants;

26 2. **Impact.** The impact of these contaminants on marine and  
28 estuarine biota; and

30 3. **Assessment.** An assessment of the condition of marine  
and estuarine habitats.

32 The commissioner shall establish a task force to coordinate  
34 the continuing activities of the monitoring program. The  
36 Commissioner of Agriculture, Food and Rural Resources, the  
38 Commissioner of Environmental Protection, the Commissioner of  
40 Human Services and the Commissioner of Marine Resources shall  
appoint representatives to serve as members of the task force.  
The task force shall address the identification and removal of  
sources of marine pollution.

42 **STATEMENT OF FACT**

44  
46 This bill gives the Department of Marine Resources authority  
48 to survey coastal areas to identify sources of pollution.  
Training in sampling techniques is mandated for shellfish  
50 conservation wardens. The department may direct the wardens to  
assist in the detection of pollution. The Department of  
Environmental Protection is directed to establish an

interdepartmental task force to coordinate the continuing  
2 activities of the Marine Environmental Monitoring Program.