

MAINE STATE LEGISLATURE

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OK
R.O.S.

L.D. 20

(Filing No. H- 41)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 18, L.D. 20, Bill, "An Act
Regarding Closed Clam Flats"

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'Sec. 1. 12 MRSA §6192, sub-§4, as repealed and replaced by PL
1981, c. 649, §2, is amended to read:

4. **Effective date.** Except as provided in this subsection,
emergency regulations shall become effective immediately upon
publication in a newspaper of general circulation in the area of
the State affected, provided it is submitted to the Attorney
General and filed with the Secretary of State as required under
the Maine Administrative Procedure Act, Title 5, chapter 375,
within the next business day following publication.

Notwithstanding any provisions of the Maine Administrative
Procedure Act, an emergency regulation authorized by section
6172, subsection 2 or 3 shall ~~be~~ is effective immediately upon
signature by the commissioner or ~~his~~ the commissioner's
authorized designee. Upon ~~promulgation--of--such~~ signing an
emergency regulation that closes or opens an area or waters to
the taking of marine organisms, the commissioner or the
commissioner's authorized designee shall give oral notice of the
~~emergency-closure~~ that action to local governmental authorities
and shall publish notice of the a closure as soon as possible in
a newspaper of general circulation in the area of the State
affected. Marine patrol officers shall take action to prevent
taking of shellfish from ~~that~~ a closed area, including the
embargo of contaminated shellfish under section 6856, subsection
6 and the arrest of any person violating the emergency regulation.

COMMITTEE AMENDMENT

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FISCAL NOTE

The Department of Marine Resources will incur some minor additional costs to notify municipalities about openings and closings of fishing and clamming areas. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

This amendment replaces the bill. This amendment requires the Commissioner of Marine Resources or the commissioner's authorized designee to give oral notice to local governmental authorities upon signing an emergency rule that opens an area or waters to the taking of marine organisms. Existing law requires notification only when the commissioner adopts an emergency rule that prevents the taking of polluted or contaminated marine organisms.

Reported by the Committee on Marine Resources
Reproduced and distributed under the direction of the Clerk of the House
3/8/93 (Filing No. H-41)