# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1993

Legislative Document

No. 20

H.P. 18

House of Representatives, January 8, 1993

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

JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Representative TOWNSEND of Eastport and Senator VOSE of Washington.

### STATE OF MAINE

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

An Act Regarding Closed Clam Flats.

(EMERGENCY)

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Emergency preamble. Whereas, Acts of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and Whereas, the harvesting of marine organisms in the State's coastal waters and intertidal zone areas is an important economic activity for state residents and communities; and 8 Whereas, in the judgment of the Legislature, these facts 10 create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 12 safety; now, therefore, 14 Be it enacted by the People of the State of Maine as follows: 16 Sec. 1. 12 MRSA §6172, sub-§3, as amended by PL 1991, c. 390, 18 §2, is further amended to read: 20 Repeal. The commissioner shall repeal a rule closing an or waters when the marine organisms are no contaminated or polluted or when the waters meet the sanitary 22 standards set forth in any department rules. The commissioner 24 may use emergency regulatory procedures to open areas or waters that have been closed under emergency procedures of 26 section. Within 24 hours of repealing a rule that closed an area or waters, the commissioner shall notify the municipal shellfish 28 conservation warden in each municipality in which the area or waters are located. If a municipality has not adopted a municipal shellfish conservation program, the commissioner shall 30 notify within 24 hours appropriate municipal officials. 32

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

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#### STATEMENT OF FACT

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This bill requires the Commissioner of Marine Resources to notify a municipality of the opening of closed coastal water or intertidal zone areas that lie within a municipality's borders. This notification must take place within 24 hours after the commissioner repeals a closing.