

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

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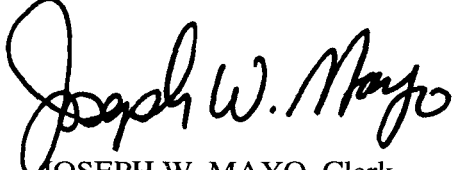
H.P. 352

House of Representatives, February 9, 1995

**Resolve, to Ensure Consistency in State Rules Pertaining to Municipal
Assessment of Clam Flats.**

(EMERGENCY)

Received by the Clerk of the House on February 7, 1995. Referred to the Committee on Marine Resources and ordered printed pursuant to Joint Rule 14.


JOSEPH W. MAYO, Clerk

Presented by Representative HARTNETT of Freeport.
Cosponsored by Representatives: AHEARNE of Madawaska, BUCK of Yarmouth,
CARLETON of Wells, DAVIDSON of Brunswick, DUNN of Gray, JONES of Bar Harbor,
LEMKE of Westbrook, LEMONT of Kittery, LINDAHL of Northport, RICHARDSON of
Portland, STONE of Bangor, TUFTS of Stockton Springs, WATERHOUSE of Bridgton,
WINSOR of Norway, Senator: HARRIMAN of Cumberland.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Department of Environmental Protection and the Department of Marine Resources have both adopted guidelines for municipal assessment of clam flats; and

Whereas, those guidelines are not consistent; and

Whereas, those inconsistencies are imposing additional costs on municipalities; and

Whereas, the harvesting of clams is an important economic activity to the State and in the municipalities in which the harvesting occurs; and

Whereas, in the judgment of the Legislature, these facts 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 safety; now, therefore, be it

Sec. 1. Report. Resolved: That the Commissioner of Environmental Protection and the Commissioner of Marine Resources shall jointly review all federal and state laws and rules that pertain to assessment of shoreland areas by municipalities for the purpose of opening or closing an area to the harvesting of shellfish. No later than June 1, 1995, those commissioners shall jointly report to the Joint Standing Committee on Marine Resources on the results of that review. That report must set forth the federal requirements that pertain to those surveys and must identify all amendments to state laws or rules needed to ensure that state requirements for those surveys are consistent with federal requirements and that those surveys are subject to one set of rules administered by one state agency. All changes to rules or guidelines identified in that report must be adopted by the appropriate agency on or before June 15, 1995.

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

STATEMENT OF FACT

This resolve requires the Commissioner of Environmental Protection and the Commissioner of Marine Resources to work together to review laws and rules that apply to municipal assessment of shoreland areas for shellfish harvesting and to determine the federal standards that apply to those surveys. The

2 commissioners must report their findings to the Joint Standing
Committee on Marine Resources by June 1, 1995. That report must
4 also identify all changes to state laws and rules needed to
ensure that the requirements of those surveys conform to federal
standards and that towns conducting the surveys are subject to
6 one set of rules administered by one state agency. Those
necessary rule changes must be adopted by June 15, 1995.