

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1003

S.P. 347

In Senate, February 25, 2003

An Act To Protect the Public from Floodwater Contamination in Shellfish

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LEMONT of York.

Cosponsored by Representatives: ANDREWS of York, GOODWIN of Pembroke, JOY of
Crystal, PERRY of Bangor.

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

4 **Sec. 1. 12 MRSA §6001, sub-§34-B** is enacted to read:

6 34-B. Process water. "Process water" means the water used
in the depuration process.

8 **Sec. 2. 12 MRSA §6856, sub-§9** is enacted to read:

10 9. Chlorination or ultraviolet radiation. If a shellfish
growing area is closed to the taking, washing and possessing of
12 shellfish due to runoff related to heavy rainfall pursuant to
section 6172, subsection 2, a holder of a depuration certificate
14 pursuant to subsection 3 that applies additional water
purification treatment to process water through chlorination or
16 ultraviolet radiation is exempt from the shellfish emergency
rainfall closures provided the following conditions are met.

18 A. If chlorination treatment is used:

20 (1) Wash water must contain 0.1 parts per million of
22 residual chlorine for at least one hour of contact time
prior to use;

24 (2) Treated process water may be used only for wash
26 water; and

28 (3) The holder of a depuration certificate pursuant to
30 subsection 3 shall take samples of source water,
chlorine-treated water and washed shellfish. Shellfish
32 samples must be analyzed for fecal coliform and water
samples must be analyzed for total coliform at a
34 laboratory certified under the National Shellfish
Sanitation Program. The holder of a depuration
36 certificate shall monitor chlorine and salinity levels
in the treated process water.

38 B. If ultraviolet radiation treatment is used:

40 (1) Turbidity may not exceed 20 nephelometric units;

42 (2) Turbidity must be measured using a method endorsed
44 by a national organization of public health
professionals;

46 (3) Process water must contain no detectable coliform
48 bacteria. The holder of a depuration certificate
pursuant to subsection 3 shall continuously treat
50 process water and verify that the disinfection system
produces process water with no detectable coliform

2 organisms as measured using a method approved by the
3 National Shellfish Sanitation Program;

4 (4) Process water must be tested twice daily in
5 triplicate samples using a method approved by the
6 National Shellfish Sanitation Program;

8 (5) Treated process water may be used for wet storage
9 tanks, depuration tanks and other processing uses that
10 bring the water into contact with shellfish; and

12 (6) Shellfish processed under this subsection may be
13 harvested only from approved or restricted shellfish
14 growing areas that are in the open status as determined
15 by the department.

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SUMMARY

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This bill establishes conditions under which shellfish
depuration certificate holders can be exempt from shellfish
emergency rainfall closures.