

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1749

H.P. 1271

House of Representatives, December 22, 2003

An Act To Provide for the Assessment of the Mahogany Quahog Resource

(EMERGENCY)

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Received by the Clerk of the House on December 17, 2003. Referred to the Committee on
Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BULL of Freeport.
Cosponsored by Senator DAMON of Hancock.

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

4
6 **Whereas,** the mahogany quahog fishery industry provides an
important source of income to Maine fishermen; and

8 **Whereas,** the mahogany quahog quota for Maine is determined
at the federal level and is not based on current scientific
information; and

10
12 **Whereas,** a source of funding is needed to accurately assess
Maine's mahogany quahog resource and ensure the sustainability of
the Maine fishery; and

14
16 **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,

20
22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1. 12 MRSA §6731-A, sub-§5,** as enacted by PL 1991, c.
561, §1, is amended to read:

26
28 **5. Mahogany Quahog Monitoring Fund.** The ~~Toxin~~ Mahogany
Quahog Monitoring Fund is established within the department. The
commissioner shall use any money credited to the ~~Toxin~~ Mahogany
30 Quahog Monitoring Fund ~~exclusively~~ for the collection of samples
required under this section to monitor the level of paralytic
32 shellfish toxin in mahogany quahogs and to conduct stock
assessments of the mahogany quahog resource. All money in the
34 ~~Toxin~~ Mahogany Quahog Monitoring Fund is subject to allocation by
the Legislature. The ~~Toxin~~ Mahogany Quahog Monitoring Fund may
36 not lapse but must carry forward to be used for the same
purpose. Nothing in this subsection prohibits the commissioner
38 from using other funds budgeted by the department to carry out
the purposes of this section.

40
42 **Sec. 2. 36 MRSA §4718,** as amended by PL 2003, c. 20, Pt. WW,
§28, is further amended to read:

44 **§4718. Contributions; Toxin Monitoring Fund**

46 The State Tax Assessor shall determine annually the total
amount of tax revenue collected under this chapter. The State
48 Tax Assessor shall deduct the cost of administering the mahogany
quahog tax from those revenues and report the remainder to the
50 Treasurer of State, who shall credit that amount to the ~~Toxin~~

2 Mahogany Quahog Monitoring Fund established in Title 12, section
4 6731-A, subsection 5, except that not more than \$56,000 may be
credited to the fund in any year. Revenues collected that are in
excess of \$56,000 must be credited to the General Fund.

6 **Sec. 3. Transfers from existing accounts.** The Department of
8 Marine Resources shall transfer the existing balance and
encumbrances from the Toxin Monitoring Fund at any time to the
10 Mahogany Quahog Monitoring Fund in order to fund any of the
activities outlined in the Maine Revised Statutes, Title 12,
section 6731-A, subsection 5.

12
14 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

16
18 **SUMMARY**

20 This bill changes the name of the Toxin Monitoring Fund to
the "Mahogany Quahog Monitoring Fund" and expands the allowable
22 uses of the fund to include conducting stock assessments of the
mahogany quahog resource.