

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 691

DATE: 3.28.05

(Filing No. S- 45)

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to S.P. 228, L.D. 691, Bill, "An Act To Provide Public Health Protection Authority to the Department of Marine Resources"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place it the following:

Sec. 1. 12 MRSA §6171-C is enacted to read:

§6171-C. Protection of public health

1. Commissioner's powers. The commissioner may, with the advice and consent of the Marine Resources Advisory Council, adopt or amend such rules as the commissioner considers necessary to protect public health.

2. Emergency rules. The commissioner may adopt or amend rules under the emergency procedures if immediate action is necessary to protect public health.

3. Procedure. The procedures of subchapter 2 must be used in adopting or amending rules authorized by this section.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §6172, sub-§1-B is enacted to read:

1-B. Advisory council. Notwithstanding section 6171-C, the advice and consent of the Marine Resources Advisory Council is not required prior to adoption of a rule under this section.

SENATE AMENDMENT

R.O.S.

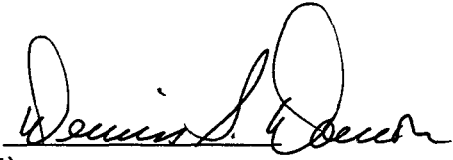
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Sec. 3. 12 MRSA §6192, sub-§1, ¶A, as amended by PL 2003, c. 248, §5, is further amended to read:

A. In an emergency adoption of a rule or amendment to a rule relating to the public health and safety, including rules authorized under ~~section~~ sections 6171-C and 6172, prior public notice and hearing is not required.'

SUMMARY

This amendment replaces the bill. The amendment retains the provision of the bill that gives the Commissioner of Marine Resources the authority to adopt rules, with the advice and consent of the Marine Resources Advisory Council, as necessary to protect the public health. The amendment clarifies that rulemaking to close contaminated or polluted flats does not require the advice and consent of the advisory council. The amendment updates cross-references to public health rule-making authority.

SPONSORED BY: 
(Senator DAMON)

COUNTY: Hancock

FISCAL NOTE REQUIRED
(See attached)



Approved: 03/28/05 *MAC*

122nd MAINE LEGISLATURE

LD 691

LR 0630(03)

An Act To Provide Public Health Protection Authority to the Department of Marine Resources

Fiscal Note for Senate Amendment *A*

Sponsor: Sen. Damon of Hancock

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund