## MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)



44

46

	L.D. 691
2	DATE: 3.28.05 (Filing No. S- 45)
4	
6	Reproduced and distributed under the direction of the Secretary of the Senate.
8	STATE OF MAINE
10	SENATE
12	122ND LEGISLATURE FIRST REGULAR SESSION
14	<b>A</b>
16	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"
18	Amend the bill by striking out everything after the enacting
20	clause and before the summary and inserting in its place it the following:
22	'Sec. 1. 12 MRSA §6171-C is enacted to read:
24	§6171-C. Protection of public health
26	
28	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
30	to protect public health.
32	2. Emergency rules. The commissioner may adopt or amend rules under the emergency procedures if immediate action is
34	necessary to protect public health.
36	3. Procedure. The procedures of subchapter 2 must be used
38	in adopting or amending rules authorized by this section.
40	Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
42	Sec. 2. 12 MRSA §6172, sub-§1-B is enacted to read:

Page 1-LR0630(3)

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

A.ois.

30

provision of the bill that gives the Commissioner of M. Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-matched authority.  SPONSORED BY:  (Senator DAMON)	2	Sec. 3. 12 MRSA §6192, sub-§1, ¶A, as amended by PL 2003, c.
A. In an emergency adoption of a rule or amendment rule relating to the public health and safety, inclurated authorized under seetien sections 6171-C and prior public notice and hearing is not required.  SUMMARY  This amendment replaces the bill. The amendment retains provision of the bill that gives the Commissioner of M Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-m authority.  SPONSORED BY:  (Senator DAMON)		248, §5, is further amended to read:
rule relating to the public health and safety, inclurable authorized under seetien sections 6171-C and prior public notice and hearing is not required.  SUMMARY  This amendment replaces the bill. The amendment retains provision of the bill that gives the Commissioner of M. Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessar protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council. amendment updates cross-references to public health rule-m authority.  SPONSORED BY:  (Senator DAMON)	4	
rules authorized under seetien sections 6171-C and prior public notice and hearing is not required.'  SUMMARY  This amendment replaces the bill. The amendment retains provision of the bill that gives the Commissioner of M. Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-mathority.  SPONSORED BY:  (Senator DAMON)	_	
SUMMARY  This amendment replaces the bill. The amendment retains provision of the bill that gives the Commissioner of M. Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-match authority.  SPONSORED BY:  (Senator DAMON)	6	
SUMMARY  This amendment replaces the bill. The amendment retains provision of the bill that gives the Commissioner of Markesources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-mauthority.  SPONSORED BY:  (Senator DAMON)		
This amendment replaces the bill. The amendment retains provision of the bill that gives the Commissioner of M. Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-mauthority.  SPONSORED BY:  (Senator DAMON)	8	prior public notice and hearing is not required.'
This amendment replaces the bill. The amendment retains provision of the bill that gives the Commissioner of M. Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-mauthority.  SPONSORED BY:  (Senator DAMON)	10	
This amendment replaces the bill. The amendment retains provision of the bill that gives the Commissioner of M. Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council. amendment updates cross-references to public health rule-mauthority.  SPONSORED BY:  Openator DAMON)	10	SUMMARY
provision of the bill that gives the Commissioner of M. Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-matched authority.  SPONSORED BY:  (Senator DAMON)	12	
Resources the authority to adopt rules, with the advice consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-matched authority.  SPONSORED BY:  (Senator DAMON)		This amendment replaces the bill. The amendment retains the
consent of the Marine Resources Advisory Council, as necessary protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-mathority.  SPONSORED BY:  (Senator DAMON)	14	provision of the bill that gives the Commissioner of Marine
protect the public health. The amendment clarifies rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council. amendment updates cross-references to public health rule-m authority.  SPONSORED BY:  (Senator DAMON)		Resources the authority to adopt rules, with the advice and
rulemaking to close contaminated or polluted flats does require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-mathority.  SPONSORED BY:  (Senator DAMON)	16	consent of the Marine Resources Advisory Council, as necessary to
require the advice and consent of the advisory council.  amendment updates cross-references to public health rule-mathority.  SPONSORED BY:  (Senator DAMON)		protect the public health. The amendment clarifies that
amendment updates cross-references to public health rule-m authority.  22  24  SPONSORED BY: Volume 1  (Senator DAMON)	18	
authority.  22  24  SPONSORED BY: Welling & Becch  26 (Senator DAMON)	20	
22 24 SPONSORED BY: Weller DAMON)	20	
SPONSORED BY: Welling & Decch  (Senator DAMON)	22	auchority.
SPONSORED BY: Wellers D. 4 December 26 (Senator DAMON)	<i>L L</i>	
26 (Senator DAMON)	24	
		SPONSORED BY: Welles D. 4 Decen
28 COUNTY: Hancock	26	(Senator DAMON)
28 COUNTY: Hancock		
	28	COUNTY: Hancock

FISCAL NOTE REQUIRED (See attached)

Page 2-LR0630(3)



## 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