

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 403

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H.P. 319

House of Representatives, January 29, 2007

### **An Act To Encourage Municipalities To Abate Coastal Pollution**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GERZOFSKY of Brunswick.  
Cosponsored by Representative WEBSTER of Freeport, Senator DAMON of Hancock and  
Representatives: ADAMS of Portland, HILL of York, MacDONALD of Boothbay, PERCY of  
Phippsburg, PINGREE of North Haven, PRIEST of Brunswick, RINES of Wiscasset,  
WATSON of Bath.

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

2 **Sec. 1. 12 MRSA §6856, sub-§3**, as amended by PL 2003, c. 248, §11, is further  
3 amended to read:

4 **3. Depuration certificate.** A person may not take shellfish from closed areas for  
5 depuration, processing and transportation without a depuration certificate. The  
6 commissioner may issue a depuration certificate to a wholesale seafood license holder  
7 that authorizes the holder to take shellfish from closed areas for depuration, processing  
8 and transportation. The certificate must establish limits on harvesting, depurating and  
9 processing methods and any other provisions required to ensure the public safety. The  
10 commissioner may permit depuration of shellfish not contaminated by paralytic shellfish  
11 poisoning if it is established that the water used during depuration will not contaminate  
12 the shellfish with paralytic shellfish poisoning. To ensure consistency with municipal  
13 shellfish conservation programs, established pursuant to section 6671, the commissioner  
14 must ~~consult with a~~ obtain the approval of the municipal shellfish conservation committee  
15 before taking action to open an area within that municipality for depuration digging. The  
16 commissioner may continue to issue controlled purification certificates for areas that  
17 were restricted to depuration digging on September 1, 1989, without consulting  
18 municipalities.

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#### SUMMARY

20 Under current law, the Commissioner of Marine Resources must consult with a  
21 municipal shellfish conservation committee before opening an area for depuration  
22 digging. This bill requires the commissioner to obtain the approval of the committee  
23 before taking such action.