

# MAINE STATE LEGISLATURE

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2008

L.D. 2129

Date: 3/10/8

(Filing No. H-728)

Minority

MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1508, L.D. 2129, Bill, "An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry"

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

Sec. 1. 12 MRSA §6194 is enacted to read:

§6194. Shellfish area closure status notification

Notwithstanding Title 5, section 8053, the notification of rulemaking relating to the status of a shellfish area is not required to be published in a newspaper. The department shall place any information concerning the opening or closing of a shellfish area on the department's shellfish sanitation hotline and on the department's publicly accessible website. The commissioner may, in the case of an emergency as determined by the commissioner, advertise a change in the status of a shellfish area in the newspaper.

This section is repealed July 31, 2009.

Sec. 2. 12 MRSA §6191, sub-§1, as amended by PL 2003, c. 248, §4, is further amended to read:

1. Procedures. In adopting or amending any rule, except as provided in section 6194, the commissioner shall use the procedures required for rulemaking under the Maine Administrative Procedure Act, Title 5, chapter 375, and the additional requirements of this subchapter.

Sec. 3. Report. The Department of Marine Resources shall monitor the impact, including but not limited to complaints, of the changes made to the notification requirements under this Act and report its findings to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 5, 2009.

COMMITTEE AMENDMENT

PLS

1 **Sec. 4. Appropriations and allocations.** The following appropriations and  
2 allocations are made.

3 **MARINE RESOURCES, DEPARTMENT OF**

4 **Bureau of Resource Management 0027**

5 Initiative: Recognition of cost savings due to the department's not publishing the status of  
6 shellfish areas in a newspaper.

7	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
8	All Other	\$0	(\$25,000)
9			
10	<b>GENERAL FUND TOTAL</b>	\$0	(\$25,000)

11

12 **SUMMARY**

13 This amendment is the minority report and replaces the bill. It removes the  
14 requirement that rules relating to the status of shellfish areas adopted by the Department  
15 of Marine Resources be published in a newspaper. Instead, the amendment requires the  
16 Department of Marine Resources to place any information concerning the opening or  
17 closing of a shellfish area on the department's shellfish sanitation hotline and on the  
18 department's publicly accessible website. It gives the Commissioner of Marine  
19 Resources the option to publish changes to shellfish areas in the newspaper in cases of  
20 emergency. It also repeals the provision on July 31, 2009.

21 **FISCAL NOTE REQUIRED**  
22 (See attached)

**COMMITTEE AMENDMENT**



# 123rd MAINE LEGISLATURE

LD 2129

LR 3045(03)

## An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Marine Resources

Fiscal Note Required: Yes

### Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Net Cost (Savings)</b>				
General Fund	\$0	(\$25,000)	(\$2,100)	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$0	(\$25,000)	(\$2,100)	\$0

#### Fiscal Detail and Notes

The cost related to publishing notifications of the status of shellfish areas varies each year depending on how many shellfish areas are closed. Based upon historical data, it is estimated that the savings for fiscal year 2008-09 is \$25,000. The section of the bill indicating that the notification of rules relating to the status of shellfish areas is not required to be published in a newspaper is repealed on July 31, 2009. Additional costs to the Department of Marine Resources associated with monitoring the impact of the changes to the notification requirements can be absorbed within existing resources.