



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 510

S.P. 143

In Senate, February 15, 2011

An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing

(EMERGENCY)

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR. Secretary of the Senate

Presented by Senator SNOWE-MELLO of Androscoggin.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** shellfish processing facilities only generate organic arsenic, which is 4 generally accepted to be harmless to humans and the environment; and
 - Whereas, current state rules only establish limits for inorganic arsenic; and
- 6 **Whereas,** testing protocols for distinguishing between organic and inorganic arsenic 7 are not widely available and are expensive; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 9 the meaning of the Constitution of Maine and require the following legislation as 10 immediately necessary for the preservation of the public peace, health and safety; now, 11 therefore,

- 12 Be it enacted by the People of the State of Maine as follows:
- 13 Sec. 1. 38 MRSA §424-C is enacted to read:

14 §424-C. Shellfish processing facility; arsenic

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15The department may not require a shellfish processing facility to comply with testing16and reporting requirements for arsenic discharges and may not limit the discharge of17arsenic from a shellfish processing facility into waters of the State or into publicly owned18treatment works.

Emergency clause. In view of the emergency cited in the preamble, this
legislation takes effect when approved.

- 21 SUMMARY
- 22 This bill exempts shellfish processing facilities from testing and reporting 23 requirements and discharge limits concerning arsenic.