

# MAINE STATE LEGISLATURE

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Date: 3-5-12

(Filing No. S-415)

MARINE RESOURCES

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STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 586, L.D. 1721, Bill, "An Act To Improve the Method of Classifying Shellfish Harvesting Areas and Providing Notification of Changes"

Amend the bill by inserting after the title and before the enacting clause the following:

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation addresses emergency rules, which are used by the Commissioner of Marine Resources to manage the status of shellfish resource areas for public health, as this rulemaking is considered cumbersome, time-consuming and often confusing to the public; and

**Whereas,** this legislation creates a more efficient and easily understood method by which openings and closings of shellfish resource areas are made, which will save considerable staff time; and

**Whereas,** this legislation will increase the speed at which some closed areas are opened; and

**Whereas,** this legislation will put shellfish harvesters back to work more quickly after closures; and

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

Amend the bill in section 2 in §6172 in subsection 8 in the last line (page 2, line 33 in L.D.) by inserting after the following: "closed" the following: 'unless that person holds a valid depuration certificate pursuant to section 6856, subsection 3'

Amend the bill by adding before the summary the following:

**COMMITTEE AMENDMENT**

ROFS

COMMITTEE AMENDMENT " A " to S.P. 586, L.D. 1721

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

**SUMMARY**

This amendment adds an emergency preamble and emergency clause to the bill. It also clarifies that a person with a valid depuration certificate may take shellfish from an area classified as closed.

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



**ROFS**

# 125th MAINE LEGISLATURE

LD 1721

LR 2429(02)

**An Act To Improve the Method of Classifying Shellfish Harvesting Areas and Providing Notification of Changes**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S-415**

**Committee: Marine Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor savings - General Fund

### Fiscal Detail and Notes

This legislation changes the method of managing contaminated or polluted shellfish resource areas from emergency rulemaking to a classification through text descriptions and maps provided on the department's website and to affected municipalities and marine patrol officers. It will result in savings in staff time and will allow personnel within the shellfish program to focus on other priorities.