

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1416

H.P. 962

House of Representatives, May 14, 2015

An Act Regarding Interstate Shellfish Depuration

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BEAVERS of South Berwick.

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 harvested in moderately contaminated marine environments may
4 be suitable for human consumption after undergoing a deputation process; and

5 **Whereas**, interstate transfer of shellfish may occur only by formal agreement
6 between states and in compliance with the United States Food and Drug Administration's
7 National Shellfish Sanitation Program; and

8 **Whereas**, agreements regarding interstate transfer of shellfish do not currently
9 require reciprocity between states; and

10 **Whereas**, shellfish deputation may currently be performed at a facility that is not
11 certified by the United States Food and Drug Administration; and

12 **Whereas**, to prevent a possible public health risk regarding shellfish deputation, it is
13 necessary that this legislation take effect as soon as possible; and

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

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

19 **Sec. 1. 12 MRSA §6104** is enacted to read:

20 **§6104. Shellfish deputation; memorandum of agreement**

21 If the commissioner enters into a memorandum of agreement regarding interstate
22 transport of shellfish for deputation pursuant to the United States Food and Drug
23 Administration's National Shellfish Sanitation Program, the agreement must be reciprocal
24 among the states involved and provide that deputation of shellfish may occur only in a
25 facility certified for deputation by the United States Food and Drug Administration.

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

28 **SUMMARY**

29 This bill provides that a memorandum of agreement entered into by the
30 Commissioner of Marine Resources regarding interstate transport of shellfish for
31 deputation must be reciprocal among the states involved and require that the deputation
32 occur in a facility certified for deputation by the United States Food and Drug
33 Administration.