

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
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Any person aggrieved by any fine or suspension imposed by the commission may seek judicial review pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 2, 1989.

CHAPTER 204

H.P. 520 - L.D. 705

An Act Concerning Special Marine Resources Permits

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

Sec. 1. 12 MRSA §6074, first ¶, as amended by PL 1981, c. 189, is further amended to read:

The commissioner may, with the advice and consent of the advisory council, issue a special license for research, aquaculture or education, which exempts the holder from one or more marine resources' laws as to the time, place, length, condition, amount and manner of taking or possessing any marine organism. Special licenses issued by the commissioner to employees of the department when they are acting in their capacity as employees under the direction of the commissioner or the commissioner's designated representative do not require the advice and consent of the advisory council.

Sec. 2. 12 MRSA §6074, sub-§5, as amended by PL 1983, c. 662, §4, is further amended to read:

5. Fees. The annual fee for a special license shall be \$25. An annual fee of \$10 shall be paid for each individual after the first individual. No license fee may be required for a special license for raising and selling Pacific salmon. No license fee may be required from a municipality for a special license for using a hydraulic dredge under section 6623. No license fee may be required for employees of the department when they are acting in their capacity as employees under the direction of the commissioner or the commissioner's designated representative.

See title page for effective date.

CHAPTER 205

H.P. 604 - L.D. 828

An Act Concerning the Regulatory Authority of the Department of Marine Resources

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

Whereas, contaminated marine products and contaminated or polluted water affect the health of people who consume edible marine products; and

Whereas, this legislation extends the authority of the Department of Marine Resources to monitor contamination to ensure the public's health; and

Whereas, the department should begin this extended monitoring program as soon as possible; 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,

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

Sec. 1. 12 MRSA §6071, sub-§3 is enacted to read:

3. Products embargoed and condemned. The commissioner or the commissioner's agent may indefinitely embargo, condemn or order to be destroyed any marine species or marine species product imported and introduced to coastal waters in violation of this section whenever it is determined that the product is of unsound quality; contains any filthy, decomposed or putrid substance; may be poisonous or deleterious to health; or is otherwise unsafe. The commissioner shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy.

If any marine species or marine species product is embargoed, condemned or ordered destroyed, the commissioner or the commissioner's agent shall, as soon as practical, notify the owner in writing of the amount and kind of marine species or marine species product embargoed, condemned or destroyed.

Sec. 2. 12 MRSA §6076, as enacted by PL 1985, c. 784, §1, is amended to read:

§6076. Marine Shellfish Toxins Monitoring Program

1. Purpose. A comprehensive ~~Paralytic Shellfish Poison~~ Marine Shellfish Toxins Monitoring Program is established to protect the public health while providing for the harvest of susceptible species of marine mollusks in areas not shown to be affected by contamination.

2. Responsibilities. The department shall be the state agency responsible for implementing the program. The department may adopt rules under section 6172 as may be warranted to provide for adequate protection of the public health.