

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

~~after the claimant's filing of a complaint all further proceedings in the case shall be stayed until a decision of the panel is made.~~

Sec. 5. 24 MRSA §2903, sub-§1, ¶A, as enacted by PL 1985, c. 804, §§14 and 22, is amended to read:

A. Served written notice of claim setting forth, under oath, the professional negligence alleged and the nature and circumstances of the injuries and damages alleged, personally or by registered or certified mail ~~upon~~ on the person accused of professional negligence. Personal service or service by registered or certified mail shall be completed on the person accused within 30 days of filing. In the event service cannot be obtained within 30 days, the plaintiff may file a motion in Superior Court for an extension on a showing of good cause, including the efforts that have been made for service. In addition to granting the extension, the court may provide for alternate service in accordance with the Maine Rules of Civil Procedure, Rule 4;

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

Effective April 10, 1990.

CHAPTER 828

H.P. 1541 - L.D. 2126

An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs

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

Sec. 1. 12 MRSA §6731, sub-§1, as enacted by PL 1981, c. 297, §4, is amended to read:

1. License required. ~~It~~ Except as provided in subsection 3, it is unlawful for any person to engage in the activities authorized under this section without a current seallop mahogany quahog license or other license issued under this Part authorizing the activities.

Sec. 2. 12 MRSA §6731, sub-§2, as enacted by PL 1981, c. 297, §4, is repealed and the following enacted in its place:

2. Licensed activities. The holder of a mahogany quahog license may:

A. Fish for or take mahogany quahogs in any harvesting area indicated on the license;

B. Possess, ship or transport mahogany quahogs within the State; or

C. Sell mahogany quahogs that the holder has taken.

Sec. 3. 12 MRSA §6731, sub-§§4 and 5 are enacted to read:

4. Fee. The fee for a mahogany quahog license is \$53. Fees collected pursuant to this section must be deposited in the General Fund.

5. Conditions. Each licensee may participate in the monitoring program established in section 6731-A within the harvest area indicated on the license. The holder of a mahogany quahog license shall comply with all other conditions of licensing established by the commissioner.

Sec. 4. 12 MRSA §6731-A is enacted to read:
§6731-A. Mahogany quahog monitoring program

The department shall establish a program to protect the public health by monitoring the levels of paralytic shellfish toxin in mahogany quahogs. The department shall identify harvesting areas, sampling areas and stations needed to achieve this goal in accordance with the following provisions.

1. Harvesting areas. The department shall establish harvesting areas that reflect the demand for taking mahogany quahogs by harvesters from the various regions of the State and the relative location of mahogany quahog beds.

2. Industry groups. For each harvesting area the department shall establish a volunteer industry-based group to select mahogany quahog harvesters to collect samples and transport department personnel to and from sampling areas. Each group shall select and notify the department of the mahogany quahog harvesters who have volunteered for each month's sampling duty in the harvesting area.

3. Sampling. The department shall schedule all sampling runs. A department observer shall be on board each vessel engaged in the sampling activity. The department shall notify the harvester in advance as to the time, location and number of samples to be collected. In the event weekly collection of samples is not feasible, an alternative sampling date may be established by the department. The department shall test for the presence of paralytic shellfish toxin in the samples.

4. Rules. The commissioner may adopt rules, in accordance with the Maine Administrative Procedure Act, necessary to achieve the intent of this section.

See title page for effective date.
