

**§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. [PL 1989, c. 828, §4 (NEW).]

**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. [PL 1989, c. 828, §4 (NEW).]

**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. [PL 1989, c. 828, §4 (NEW).]

**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. [PL 1989, c. 828, §4 (NEW).]

**4. Rules.** The commissioner may adopt rules, in accordance with the Maine Administrative Procedure Act, necessary to achieve the intent of this section. [PL 1989, c. 828, §4 (NEW).]

**5. Mahogany Quahog Monitoring Fund.** The Mahogany Quahog Monitoring Fund is established within the department. The commissioner shall use any money credited to the Mahogany Quahog Monitoring Fund for the collection of samples required under this section to monitor the level of paralytic shellfish toxin in mahogany quahogs and to conduct stock assessments of the mahogany quahog resource. All money in the Mahogany Quahog Monitoring Fund is subject to allocation by the Legislature. The Mahogany Quahog Monitoring Fund may not lapse but must carry forward to be used for the same purpose. Nothing in this subsection prohibits the commissioner from using other funds budgeted by the department to carry out the purposes of this section. [PL 2003, c. 593, §1 (AMD).]

**6. Stock assessment.** The department shall conduct stock assessments of the mahogany quahog resource beginning no later than January 1, 2005. [PL 2011, c. 598, §33 (AMD).]

**SECTION HISTORY**

PL 1989, c. 828, §4 (NEW). PL 1991, c. 561, §1 (AMD). PL 2003, c. 593, §§1,2 (AMD). PL 2011, c. 598, §33 (AMD).

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