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Public Law
123rd Legislature
Second Regular Session

Chapter 692
H.P. 1508 - L.D. 2129

**An Act To Make Clam Flat Status Notification More Efficient,
Cost-effective and Economically Beneficial to the Shellfish Industry**

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

Sec. 1. 12 MRSA §6191, sub-§1, as amended by PL 2003, c. 248, §4, is further amended to read:

1. Procedures. In adopting or amending any rule, except as provided in section 6194, the commissioner shall use the procedures required for rulemaking under the Maine Administrative Procedure Act, Title 5, chapter 375, and the additional requirements of this subchapter.

Sec. 2. 12 MRSA §6194 is enacted to read:

§ 6194. Shellfish area closure status notification

Notwithstanding Title 5, section 8053, the notification of rulemaking relating to the status of a shellfish area is not required to be published in a newspaper. The department shall place any information concerning the opening or closing of a shellfish area on the department's shellfish sanitation hotline and on the department's publicly accessible website. The commissioner may, in the case of an emergency as determined by the commissioner, advertise a change in the status of a shellfish area in the newspaper.

Sec. 3. 12 MRSA §6651, sub-§1, as amended by PL 2003, c. 20, Pt. WW, §12, is further amended to read:

1. Fees to be paid into fund. Sixty-five percent of all fees from shellfish licenses, mussel hand-raking and boat licenses, shellfish transportation licenses and wholesale seafood licenses must be paid into the Shellfish Fund. The Shellfish Fund may receive any other money, including any other gift, grant or other source of revenue.

Sec. 4. Report. The Department of Marine Resources shall monitor the impact, including but not limited to complaints, of the changes made to the notification requirements under this Act and report its findings to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than March 1, 2010.

Sec. 5. Transfer. Notwithstanding any other provision of law, on or before July 31, 2008, the State Controller shall transfer \$25,000 from the unappropriated surplus of the General Fund to the Shellfish Fund, Other Special Revenue Funds account within the Department of Marine Resources.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management 0027

Initiative: Recognition of cost savings due to the department's not publishing the status of shellfish areas in a newspaper.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$25,000)
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GENERAL FUND TOTAL	\$0	(\$25,000)

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management 0027

Initiative: Provides an allocation for funding overtime for water quality staff and training for volunteers in the water quality program.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$25,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,000