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An Act Regarding Interstate Shellfish Depuration

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

Whereas, shellfish harvested in moderately contaminated marine environments may be suitable for human consumption after undergoing a depuration process; and

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

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

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

Whereas, to prevent a possible public health risk regarding shellfish depuration, it is necessary that this legislation take effect 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 §6104 is enacted to read:

§ 6104. Shellfish depuration; memorandum of agreement

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

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

SUMMARY

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