

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 94 Sanitary Control of Molluscan Shellfish Proposed Rule-making.

PROPOSED RULE NUMBER *(leave blank; to be assigned by Secretary of State)*:

BRIEF SUMMARY: This proposal would amend Chapter 94 to specify the current version of the National Shellfish Sanitation Program Model Ordinance (Model Ordinance). The existing rule specifies the 2015 Model Ordinance, this proposed change would specify the 2017 Model Ordinance, which is the most current version.

Date, time and location of PUBLIC HEARING *(if any)*: None scheduled

COMMENT DEADLINE: October 11, 2019

CONTACT PERSON FOR THIS FILING *(include name, mailing address, telephone, fax, TTY, e-mail)*:

NAME: Amanda Ellis

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6573

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at 207-624-6553.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: Same

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: Same

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: dmr.rulemaking@maine.gov

** Check one of the following two boxes.*

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
010	13A	1120	10	4946				

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis (207-624-6573) , Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 E-mail: Amanda.Ellis@maine.gov Web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 94

STATUTORY AUTHORITY: 12 MRS §6171; 6856

DATE AND PLACE OF PUBLIC HEARING: None scheduled

COMMENT DEADLINE: October 11, 2019

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

This proposal amends the chapter to specify the current version of the Model Ordinance.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

This proposed rule amends the existing regulation to specify the current version of the Model Ordinance.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

The National Shellfish Sanitation Program Model Ordinance and public health staff.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

No fiscal impact is anticipated.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

DEPARTMENT OF MARINE RESOURCES

CHAPTER 94 – SANITARY CONTROL OF MOLLUSCAN SHELLFISH

94.02 Definitions

In addition to definitions contained in the “Definitions” section of the Model Ordinance, the following words and terms, when used in this chapter, have the following meaning.

- A. Buying station. A truck that is leased, owned or rented by the certified dealer and which is used to transport shellstock purchased at a location other than the dealer’s permanent facility. The truck must be properly constructed, operated and maintained to prevent contamination, deterioration and decomposition of the shellstock in accordance with the Model Ordinance.
- B. Model Ordinance. The document entitled “National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish”, ~~2015~~2017 Revision, Sections I and II, published by the U.S. Food and Drug Administration.