

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 94 Sanitary Control of Molluscan Shellfish

ADOPTED RULE NUMBER:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:
This rule amends Chapter 94 to specify the current version of the National Shellfish Sanitation Program Model Ordinance (Model Ordinance). The previous version of the rule specified the 2015 Model Ordinance, whereas this rule specifies the 2017 Model Ordinance, which is the most current version.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

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

APPROVED FOR PAYMENT _____					DATE: _____
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
<i>Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta</i>					
010	13A	1120	10	4946	regulations

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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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.

Basis Statement:

This rule amends Chapter 94 to specify the current version of the National Shellfish Sanitation Program Model Ordinance (Model Ordinance). The previous version of the rule specified the 2015 Model Ordinance, whereas this rule specifies the 2017 Model Ordinance, which is the most current version.

Summary of Comments:

Notice of this proposed rulemaking appeared on September 11, 2019 in the five major daily newspapers as published by the Secretary of State. On September 11, 2019, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. No public hearings were scheduled. The comment period closed October 11, 2019. No public comments were received.