

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting after the enacting clause the following:

‘**Sec. 1. 12 MRSA §6603** is enacted to read:

§ 6603. Resident recreational shellfish license

1. License required. A person may not engage in the activities authorized under this section without a current resident recreational shellfish license issued by the commissioner. The department shall provide each person licensed under this section with a resident recreational shellfish license sticker.

2. Licensed activity. The holder of a resident recreational shellfish license may take shellfish or possess, ship or transport within the State shellfish that license holder has taken. This license does not authorize the license holder to sell shellfish or shellfish meats that have been removed from the shell.

3. Eligibility. A resident recreational shellfish license may be issued only to an individual who is a resident of this State.

4. Fee. The fee for a resident recreational shellfish license is \$6.

5. Suspension of commercial shellfish license. A person whose commercial shellfish license has been suspended is not eligible for a resident recreational shellfish license.

6. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

Sec. 2. 12 MRSA §6604 is enacted to read:

§ 6604. Nonresident recreational shellfish license

1. License required. A person may not engage in the activities authorized under this section without a current nonresident recreational shellfish license issued by the commissioner. The department shall provide each person licensed under this section with a nonresident recreational shellfish license sticker.

2. Licensed activity. The holder of a nonresident recreational shellfish license may take shellfish or possess, ship or transport within the State shellfish that license holder has taken. This license does not authorize the license holder to sell shellfish or shellfish meats that have been removed from the shell.

3. Eligibility. A nonresident recreational shellfish license may be issued only to an individual who is not a resident of this State.

4. Fee. The fee for a nonresident recreational shellfish license is \$11.

5. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

Sec. 3. 12 MRSA §6605 is enacted to read:

§ 6605. Recreational shellfish license sticker

No later than January 1st of each year, the commissioner shall provide each agent authorized to issue recreational shellfish licenses pursuant to section 6603 or 6604 with a sufficient quantity of recreational shellfish license stickers for licenses. Each agent shall retain \$1 for each sticker sold by that agent for which a fee is required.'

Amend the bill in section 1 in paragraph D in the last 2 lines (page 1, lines 6 and 7 in L.D.) by striking out the following: "Clean Shores Fund" and inserting the following: 'Water Quality and Infrastructure Improvement Fund'

Amend the bill in section 3 in subsection 7 in the last line (page 5, line 27 in L.D.) by striking out the following: "Clean Shores Fund" and inserting the following: 'Water Quality and Infrastructure Improvement Fund'

Amend the bill by inserting after section 3 the following:

'Sec. 4. 38 MRSA §353-B, sub-§8 is enacted to read:

8. Revenues derived from license fees. Revenues derived from resident and nonresident recreational shellfish license fees pursuant to Title 12, sections 6603 and 6604 must be paid to the Treasurer of State, who shall credit those revenues to the Water Quality and Infrastructure Improvement Fund established under section 424-B.'

Amend the bill in section 4 in subsection 3 in the 4th line (page 5, line 32 in L.D.) by inserting after the following: "areas" the following: 'and for hydrographic studies in shellfish growing areas'

Amend the bill in section 4 in subsection 3 in the 7th line (page 5, line 35 in L.D.) by inserting after the following: "priorities" the following: 'from the Shellfish Advisory Council established under Title 12, section 6038 and'

Amend the bill in section 5 in §424-B by striking out all of the first line (page 6, line 6 in L.D.) and inserting the following: '**§424-B. Water Quality and Infrastructure Improvement Fund** '

Amend the bill in section 5 in section §424-B in subsection 1 in paragraph A in the first line (page 6, line 9 in L.D.) by striking out the following: "Clean Shores Fund" and inserting the following: 'Water Quality and Infrastructure Improvement Fund'

Amend the bill in section 5 in §424-B by striking out all of subsection 2 (page 6, lines 10 and 11 in L.D.) and inserting the following:

'2. Fund established. The Water Quality and Infrastructure Improvement Fund is established as a nonlapsing fund under the jurisdiction and control of the department. The fund is established to improve and protect water quality in coastal areas through support of the growing area classification program within the public health division at the Department of Marine Resources, improve the State's wastewater

infrastructure, remove licensed overboard discharges, abate or remove pollution from failing subsurface wastewater disposal systems and improve the identification of pollution in shellfish harvesting areas.'

Amend the bill in section 5 in §424-B in subsection 3 by inserting after paragraph B the following:

'C. Dedicated revenue derived from license fees pursuant to Title 12, sections 6603 and 6604;'

Amend the bill in section 5 in §424-B in subsection 3 in paragraph F in the first line (page 6, line 22 in L.D.) by inserting after the following: "and" the following: 'directed or advised'

Amend the bill in section 5 in §424-B in subsection 3 by relettering or renumbering the paragraphs to read consecutively.

Amend the bill in section 5 in §424-B by striking out all of subsections 4 and 5 (page 6, lines 26 to 33 in L.D.) and inserting the following:

4. Distribution. After administrative costs, revenue credited to the fund must be distributed as follows.

A. Those funds necessary to support 3 positions in the growing area classification program within the public health division of the Department of Marine Resources or 50% of the fund, whichever is greater, must be transferred to the Department of Marine Resources. Any funds transferred in excess of those necessary to support the 3 positions are to be used to support overtime work by staff in the growing area classification program during instances of flood closures of shellfish growing areas.

B. The remaining balance of the fund after the transfer made pursuant to paragraph A must be used to support the removal of licensed overboard discharges, investment in the improvement of the State's wastewater infrastructure, abatement or removal of sources of pollution from failing subsurface wastewater disposal systems and grants to municipal or other qualified applicants in identifying pollution in shellfish harvesting areas.

The department and the Department of Marine Resources must be reimbursed from the fund for administrative costs. "Administrative costs" for the purposes of this subsection means personal services directly associated with the processing and collection of the license surcharges pursuant to section 353-B and Title 12, sections 6603 and 6604. The department and the Department of Marine Resources shall annually provide an itemized description of the prior year's expenses from the fund and a proposed budget for the following year to the Shellfish Advisory Council established under Title 12, section 6038 and to representatives of publicly owned treatment works.

5. Revenue bonds. The department may use the fund distribution assigned for investment in the improvement of the State's wastewater infrastructure, removal of licensed overboard discharges or the abatement or removal of pollution from failing subsurface wastewater disposal systems as necessary to meet any provisions related to debt service of bond issues for the purposes described in subsection 2.

6. Grants. The department shall establish procedures and criteria for the grant application process, eligibility for grants and the award and use of grants made under this section.'

Amend the bill in section 5 in §424-B by relettering or renumbering the subsections to read consecutively.

Amend the bill by inserting after section 6 the following:

‘Sec. 7. Report. The Department of Marine Resources and the Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011 that identifies the point and nonpoint sources of fecal coliform that affect the State's shellfish areas based upon existing information readily available to the departments. The report must be comprehensive and include but not be limited to analysis of stormwater runoff, overboard discharge sources, farm and agricultural operations, municipal wastewater systems, direct industrial discharges and private septic systems. The joint standing committee is authorized to submit legislation to the First Regular Session of the 125th Legislature to amend the fee structure established in the Maine Revised Statutes, Title 12, sections 6603 and 6604 and Title 30-A, section 353-B, subsection 2, paragraph A on the basis of the report required under this section.

Sec. 8. Transfer from General Fund unappropriated surplus; Bureau of Resource Management, Shellfish Fund, Department of Marine Resources. Notwithstanding any other provision of law, the State Controller shall transfer \$198,824 by July 15, 2009 from General Fund unappropriated surplus to the Bureau of Resource Management, Shellfish Fund, Other Special Revenue Funds program within the Department of Marine Resources. On or before June 30, 2010, the State Controller shall transfer revenue credited to the Maine Environmental Protection Fund, Water Quality Infrastructure Improvement Fund, Other Special Revenue Funds account within the Department of Environmental Protection to the unappropriated surplus of the General Fund to repay the \$198,824.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Maine Environmental Protection Fund 0421

Initiative: Provides grants to municipalities and other entities to identify and abate pollution in shellfish growing areas.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$115,791	\$323,232
OTHER SPECIAL REVENUE FUNDS TOTAL	\$115,791	\$323,232

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
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OTHER SPECIAL REVENUE FUNDS	\$115,791	\$323,232
DEPARTMENT TOTAL - ALL FUNDS	\$115,791	\$323,232

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management 0027

Initiative: Establishes one Marine Resource Scientist II position and 2 Marine Resource Scientist I positions and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$170,133	\$235,975
All Other	\$28,691	\$38,293
OTHER SPECIAL REVENUE FUNDS TOTAL	\$198,824	\$274,268

**MARINE RESOURCES, DEPARTMENT OF
DEPARTMENT TOTALS**

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
	\$198,824	\$274,268
DEPARTMENT TOTAL - ALL FUNDS	\$198,824	\$274,268

SECTION TOTALS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
	\$314,615	\$597,500
SECTION TOTAL - ALL FUNDS	\$314,615	\$597,500

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

The amendment establishes resident and nonresident recreational shellfish licenses with associated fees and provides for distribution of the fees.

The amendment changes the name of the Clean Shores Fund to the Water Quality and Infrastructure Improvement Fund and provides that license fees will be credited to the fund. The amendment clarifies the purposes for which the fund may be used and how money in the fund must be distributed.

The amendment provides that the Department of Marine Resources must solicit priorities for monitoring and classification of shellfish growing areas from the Shellfish Advisory Council.

The amendment clarifies that private gifts or bequests to the fund may be directed or advised.

The amendment adds a one-time reporting requirement and an appropriations and allocations section.

The amendment provides that the Department of Environmental Protection may establish procedures and criteria for the grant application process, eligibility for grants and the award and use of grants from the fund.

FISCAL NOTE REQUIRED
(See attached)