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Resolve
123rd Legislature
First Regular Session

Chapter 82
H.P. 926 - L.D. 1318

**Resolve, To Conduct an Independent Review of the
Department of Marine Resources, Public Health Division**

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

Whereas, it is essential to conduct an independent review of the programs and procedures in the public health division within the Department of Marine Resources; and

Whereas, the review and audit must be completed prior to the next shellfish harvesting season; 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

Sec. 1 Review of public health division within the Department of Marine Resources. Resolved: That Maine Sea Grant shall work with the Interstate Shellfish Sanitation Conference to develop and issue a request for proposals to conduct a review of program procedures in the public health division within the Department of Marine Resources. Maine Sea Grant in conjunction with the Interstate Shellfish Sanitation Conference shall develop the scope of work in consultation with interested parties; and be it further

Sec. 2 Scoring committee. Resolved: That a 3-member scoring committee is established to review the responses to the request for proposals issued by Maine Sea Grant under section 1 and to select a vendor to conduct the review of the public health division within the Department of Marine Resources as provided for in the scope of work under section 1. The scoring committee must consist of a member from Maine Sea Grant, a member from the Department of Marine Resources and a member from the shellfish harvesting industry; and be it further

Sec. 3 Special Fund for Peer Review of the Department of Marine Resources, Public Health Division. Resolved: That there is established the Special Fund for Peer Review of the Department of Marine Resources, Public Health Division, referred to in this section as "the fund." The Department of Marine Resources is authorized to accept all public and private funds for deposit into the fund. All interest from investment of the fund is to be credited to the fund. Expenditures from the fund by the department are limited to grants distributed at the direction of the scoring committee established in section 2 to conduct a review of program procedures of the public health division within the Department of Marine Resources. The fund is nonlapsing, and any money remaining in the fund after January 1, 2008

must remain in the fund subject to future allocation by the Legislature. The State Controller, on a one-time basis, may transfer funds from the Maine Coastal Program account in the Executive Department, State Planning Office in the amount of \$5,000 into the fund. The department shall notify the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2009 on the balance of the fund; and be it further

Sec. 4 Review report. Resolved: That Maine Sea Grant, in conjunction with the vendor selected under section 2 to do the review and after review and comment by the Interstate Shellfish Sanitation Conference, shall provide a report on the review conducted under section 1, including but not limited to findings, recommendations and any legislation needed to implement recommendations in the report, to the Joint Standing Committee on Marine Resources by January 15, 2008. The Joint Standing Committee on Marine Resources may submit a bill during the Second Regular Session of the 123rd Legislature relating to the report; and be it further

Sec. 5 Shellfish advisory council. Resolved: That the Department of Marine Resources shall work with the other members of the scoring committee under section 2 and solicit input from members of the shellfish harvesting industry to determine the need and feasibility of a shellfish advisory council to improve communication between the department and the shellfish harvesting industry and to provide advice to the department and the joint standing committee of the Legislature having jurisdiction over matters related to the management of the shellfish resource; and be it further

Sec. 6 Shellfish advisory council development report. Resolved: That the Department of Marine Resources shall report its findings and recommendations regarding the development of a shellfish advisory council as provided under section 5 with any legislation necessary to implement the recommendations of the report to the Joint Standing Committee on Marine Resources no later than January 15, 2008. The Joint Standing Committee on Marine Resources may submit legislation during the Second Regular Session of the 123rd Legislature related to the report; and be it further

Sec. 7 Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Planning Office 0082

Initiative: Provides funds on a one-time basis from the Maine Coastal Program account to be used as a grant to an independent vendor to conduct a peer review of the public health division within the Department of Marine Resources.

FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$5,000	\$0
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FEDERAL EXPENDITURES FUND TOTAL	\$5,000	\$0

EXECUTIVE DEPARTMENT DEPARTMENT TOTALS	2007-08	2008-09
FEDERAL EXPENDITURES FUND	\$5,000	\$0

DEPARTMENT TOTAL - ALL FUNDS	\$5,000	\$0
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MARINE RESOURCES, DEPARTMENT OF

Division of Administrative Services 0258

Initiative: Provides funds from the Special Fund for Peer Review of the Department of Marine Resources, Public Health Division on a one-time basis to be used as a grant to an independent vendor to conduct a peer review of the department's public health division.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$5,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,000	\$0

MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$5,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$5,000	\$0

SECTION TOTALS	2007-08	2008-09
FEDERAL EXPENDITURES FUND	\$5,000	\$0
OTHER SPECIAL REVENUE FUNDS	\$5,000	\$0
SECTION TOTAL - ALL FUNDS	\$10,000	\$0

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

Effective June 15, 2007.