

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND TWELVE

S.P. 553 - L.D. 1654

**An Act To Permit the Department of Marine Resources To Develop and Establish a Seafood Export Certification Program**

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

**Whereas,** current restrictions on the international export of seafood require the seafood to be certified by the National Oceanic and Atmospheric Administration; and

**Whereas,** due to limited resources at the National Oceanic and Atmospheric Administration, persons who fish commercially in the State often are required to wait for the National Oceanic and Atmospheric Administration to certify the seafood and issue the certificate needed for international export; and

**Whereas,** the time spent waiting results in reduced productivity for persons who fish commercially in the State; 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 §6101, sub-§2,** as amended by PL 1989, c. 57, §2, is further amended to read:

**2. Program.** The department ~~shall be~~ is the state agency ~~which shall be~~ that is responsible for cooperating with the Federal Government in developing and administering a voluntary fishery product inspection program. Notwithstanding section 6103, the commissioner may enter into agreements with the United States Department of Commerce, National Oceanic and Atmospheric Administration and seafood producers for the issuance of certificates of compliance necessary to meet international regulations and obtain reimbursement from the United States Department of Commerce, National Oceanic and Atmospheric Administration for the costs incurred by the department for the inspection and certification program.

**Sec. 2. Commissioner to develop a voluntary fishery product inspection program.** The Commissioner of Marine Resources, referred to in this section as "the commissioner," shall work with the United States Department of Commerce, National Oceanic and Atmospheric Administration to seek to develop a memorandum of understanding that establishes the appropriate procedures and protocols to allow the Department of Marine Resources to perform inspections for the voluntary fishery product inspection program under the Maine Revised Statutes, Title 12, section 6101.

**1. Research.** The commissioner shall consider the following:

A. The number of and location of staff positions required to carry out the voluntary fishery product inspection program, taking into account the number of inspections currently taking place, how often inspections are required and the location of the majority of the inspection activity;

B. A mechanism to fund inspector training and the inspection period prior to receiving reimbursement from the National Oceanic and Atmospheric Administration and whether the funding could be covered using existing resources; and

C. Whether the voluntary fishery product inspection program would save costs and increase flexibility compared to existing National Oceanic and Atmospheric Administration inspections.

**2. Report.** By January 15, 2013, the commissioner shall submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the commissioner's findings and progress regarding a voluntary fishery product inspection program.

The report must include the status of efforts to enter into a memorandum of understanding between the Department of Marine Resources and the National Oceanic and Atmospheric Administration and any draft legislation necessary to implement the commissioner's recommendations concerning the voluntary fishery product inspection program.

The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out a bill on the subject of the report to the First Regular Session of the 126th Legislature.

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

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In House of Representatives, ..... 2012

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2012

Read twice and passed to be enacted.

..... President

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Approved ..... 2012

..... Governor