

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON MARINE RESOURCES

May 2008

STAFF:

CURTIS C. BENTLEY, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Marine Resources

Public Law 2007, chapter 606 was enacted as an emergency measure effective April 14, 2008.

LD 2039 Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry

RESOLVE 222

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	H-723 S-678 ROTUNDO

This resolve directs the Department of Marine Resources to institute a system by rule for the sale of soft-shell clams at landings by holders of commercial shellfish licenses to holders of wholesale seafood licenses and holders of retail seafood licenses.

Committee Amendment "A" (H-723)

This amendment replaces the resolve and directs the Commissioner of Marine Resources to adopt rules necessary to allow the holder of a commercial shellfish license to safely sell shellstock to a wholesale seafood license holder at locations in addition to a permanent facility. The Department of Marine Resources must report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the activities related to the resolve by October 15, 2008.

Senate Amendment "A" (S-678)

This amendment amends Committee Amendment "A" by removing the appropriations and allocations section.

Enacted Law Summary

Resolve 2007, chapter 222 directs the Commissioner of Marine Resources to adopt rules necessary to allow the holder of a commercial shellfish license to safely sell shellstock to a wholesale seafood license holder at locations in addition to a permanent facility. It provides that the Department of Marine Resources must report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the activities related to the resolve by October 15, 2008.

LD 2071 An Act To Amend Maine's Scallop Laws

PUBLIC 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM	H-863 H-889 PERCY S-597 DAMON

Current law specifies that a boat must carry a scallop boat license before a person may engage in scalloping activities.

LD 2071 creates a requirement that a person hold a scallop dragging license and be present on the boat named on the license when the boat is engaged in dragging for scallops. It also restricts the issuance of scallop licenses in 2009 and thereafter to persons who had a scallop license in either the 2006 license year or the 2007 license year prior to April 15, 2007. The Commissioner of Marine Resources is required to establish a limited entry system for persons who did not possess a scallop license in the prior calendar year. This bill also increases the ring size used in the scallop fishery to 4 inches and expands the uses of the Scallop Research Fund to include the implementation of scallop management measures.

Committee Amendment "A" (H-863)