

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON MARINE RESOURCES

July 2013

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES.....House & Senate disagreed; legislation died
DIED IN CONCURRENCE.....defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX.....chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Marine Resources

C. For consecutive years of service beyond 10 years, it provides that the exception is available as long as a license fee is paid; and

D. It includes instances when the individual enters the service pursuant to a draft or enlistment during a period of an active draft.

This law also extends an individual's eligibility for a student lobster and crab fishing license by allowing the individual, upon the individual's return from active duty in the United States Armed Forces or United States Coast Guard or the National Guard or the Reserves of the United States Armed Forces, to have the individual's eligibility regarding age extended by the number of years that individual was not able to purchase a student license due to this military service for a period of up to 10 years. In order to take advantage of this extended eligibility, the individual must initiate the license application within one year of the individual's return from active duty.

Public Law 2013, chapter 319 was enacted as an emergency measure effective June 21, 2013.

**LD 1452 An Act To Allow Municipalities with Shellfish Conservation Ordinances CARRIED OVER
To Request Permission To Prohibit Marine Worm Harvesting**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY PRIEST		

This bill allows a municipality with a shellfish conservation ordinance to apply to the Department of Marine Resources to request a prohibition on marine worm harvesting. It also makes it a civil violation to harvest marine worms from areas closed to the harvest and possession of marine worms.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1544 An Act To Expand the Authority of Lobster Management Policy PUBLIC 239
Councils To Address Entry into Lobster Management Zones and To EMERGENCY
Create a Temporary Medical Allowance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-334

This bill expands the authority of lobster management policy councils to allow them to make a recommendation to the Commissioner of Marine Resources regarding the methodology used to calculate the number of new entrants into a lobster management zone. Under existing law, the calculation is based on the number of trap tags retired; this bill would allow a council to recommend using the number of licenses retired instead. The bill also creates a temporary medical allowance so that when a parent or spouse holding a lobster and crab fishing license is unable to fish due to a medical condition, a child or spouse of the license holder who has completed the apprentice program may operate under the license for a limited duration of up to one year.

Committee Amendment "A" (H-334)

This amendment provides that in order to be eligible for the temporary medical allowance provided in the bill, the holder of a lobster and crab fishing license must have harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for a temporary medical allowance. This amendment also gives the Joint Standing Committee on Marine Resources the authority to report out a bill regarding lobster licenses and methods for

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expanding opportunity in the limited-entry lobster fishery.

Enacted Law Summary

Public Law 2013, chapter 239 expands the authority of lobster management policy councils to allow them to make a recommendation to the Commissioner of Marine Resources regarding the methodology used to calculate the number of new entrants into a lobster management zone. Under previous law, the calculation was based on the number of trap tags retired; this law allows a council to recommend using the number of licenses retired instead.

Public Law 2013, chapter 239 also creates a temporary medical allowance so that when a parent or spouse holding a lobster and crab fishing license is unable to fish due to a medical condition, a child or spouse of the license holder who has completed the apprentice program may operate under the license for a limited duration of up to one year. The law requires that in order to be eligible for the temporary medical allowance provided in the bill, the holder of a lobster and crab fishing license must have harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for a temporary medical allowance.

Public Law 2013, chapter 239 gives the Joint Standing Committee on Marine Resources the authority to report out a bill regarding lobster licenses and methods for expanding opportunity in the limited-entry lobster fishery.

Public Law 2013 chapter 239 was enacted as an emergency measure effective June 12, 2013.

LD 1545 An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms

PUBLIC 301

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C	OTP-AM	S-247 H-473 DEVIN

This bill makes changes in the laws governing marine resources, including changes designed to improve enforcement mechanisms for the elver industry. This bill:

1. Specifically authorizes the Commissioner of Marine Resources to adopt or amend rules to add or delete authorization for the holders of aquaculture leases to use specific gear on the lease site and provides that the commissioner may grant authorization for a gear or species amendment only upon a determination that the change is consistent with the findings made by the commissioner when the lease was approved;
2. Specifies size limits on scallop spat collected under the authority of a special license and sold for placement on a lease site;
3. Provides that approval by the applicable advisory council is not required for a special license issued by the commissioner to a teacher who is providing a postsecondary school program;
4. Authorizes the commissioner to receive on behalf of the Aquaculture Monitoring, Research and Development Fund funds from any source;
5. Specifies that Atlantic salmon raised in a hatchery for purposes of restoration are not exempt from the possession prohibitions;
6. Eliminates language that would have repealed the exception allowing lobster processing by a person who holds both a wholesale seafood license with a lobster permit and a lobster processor license;
7. Specifies that the holder of an elver fishing license may possess elvers only during the open season and for up to