

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



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 Second Regular Session of the 127th 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. An appendix provides a summary of relevant session statistics.

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 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 127th Legislature is July 29, 2016. 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

The end of the elver fishing season is extended from May 31st to June 7th.

Public Law 2016, chapter 391 removes the provision of law that prohibits the taking of elvers from noon Friday to noon Sunday and removes the prohibition on the use of an elver fyke net to take elvers from the St. Croix River and its tributaries.

LD 1503

An Act To Amend Lobster and Crab Fishing License Laws

**PUBLIC 428
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W LANGLEY B	OTP-AM	H-588 S-435 BAKER L H-610 KUMIEGA W

This bill creates a new Class II limited lobster and crab fishing license, which provides the same benefits as a Class II lobster and crab fishing license except that the holder may fish up to 300 traps instead of the 800 traps allowed under a Class II license. The fee for the new Class II limited lobster and crab fishing license is \$136 for residents and \$793 for nonresidents, which is less than the fee for a resident or nonresident Class II license. Beginning January 1, 2017, this bill requires that the Commissioner of Marine Resources adopt rules establishing that the exit ratio in limited-entry lobster and crab fishing zones be based upon retired licenses only, instead of upon either retired licenses or retired trap tags.

This bill provides that a participant in the apprentice program under 23 years of age may receive a Class I, Class II, Class II limited or Class III lobster and crab fishing license and enter a limited-entry zone if the participant has received a high school diploma or high school equivalency diploma prior to attaining 23 years of age.

This bill prohibits the adoption of rules that would require a participant in the apprentice program who has registered to enter an island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. This bill also reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

This bill removes the special licensing fees for applicants who are 70 years of age or older.

Committee Amendment "A" (H-588)

This amendment is the majority report of the committee.

This amendment replaces the bill.

This amendment provides that a person who is under 23 years of age is eligible for a student lobster and crab fishing license if the person is attending school in accordance with compulsory attendance requirements or is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution.

This amendment provides that a person who is under 20 years of age, has completed the apprentice program and has received a high school diploma or general equivalency diploma may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone. This amendment provides that a person who is under 23 years of age, has completed the apprentice program, is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution and has been eligible for a student lobster and crab fishing license continuously since before the person attained 18 years of age may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone.

This amendment, like the bill, provides that an apprentice program may not require a person registered to enter an

Joint Standing Committee on Marine Resources

established island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. This amendment, like the bill, reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

This amendment requires that, when calculating the number of trap tags retired for purposes of applying an exit ratio, the number of trap tags retired is considered to be the total of the greatest number of trap tags purchased in any prior year under each license that is not renewed, up to the zone maximum. This amendment allows a lobster management policy council to recommend that an exit ratio be based upon licenses that are not renewed or upon retired trap tags and, if the ratio is based upon retired trap tags, whether the exit ratio should be applied retroactively to a specific date.

This amendment provides that a lobster management policy council must post an agenda publicly at least seven days prior to the council meeting if the agenda includes items that would affect the ability of people who do not hold lobster and crab fishing licenses to participate in the lobster and crab fishing industry.

This amendment requires the Commissioner of Marine Resources to maintain, for persons who have requested to declare a limited-entry zone as their declared lobster zone, a waiting list of persons who did not hold a lobster and crab fishing license in the prior year and a separate waiting list of persons who did hold a lobster and crab fishing license in the prior year. The commissioner must adopt rules to administer entry of persons who held a license in the prior year into limited-entry zones.

This amendment requires the Commissioner of Marine Resources to verify at least every three years the waiting lists of persons wishing to enter a limited-entry zone. A person who does not respond to a verification request within 90 days is removed from the waiting list. This amendment provides the commissioner with the authority to place a person who does not respond back on a waiting list in the position where the person would have otherwise been when the person shows that the lack of response was due to being on active duty with the Armed Forces of the United States or the National Guard.

This amendment changes the date by which the Commissioner of Marine Resources must determine the number of new zone entrants in each limited-entry zone from February 1st to April 1st.

Senate Amendment "A" To Committee Amendment "A" (S-435)

This amendment adds an emergency preamble and emergency clause.

House Amendment "A" To Committee Amendment "A" (H-610)

This amendment amends Committee Amendment "A" by adding a provision to the requirement that a person under 23 years of age has logged time fishing in the apprentice program, in addition to other requirements, to be eligible to declare a limited-entry zone as that person's declared lobster zone to also require that the person log time prior to attaining 18 years of age.

Enacted Law Summary

Public Law 2016, chapter 428 provides that a person who is under 23 years of age is eligible for a student lobster and crab fishing license if the person is attending school in accordance with compulsory attendance requirements or is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution.

Public Law 2016, chapter 428 provides that a person who is under 20 years of age, has completed the apprentice program and has received a high school diploma or general equivalency diploma may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone. A person who is under 23 years of age, has logged time fishing in the apprentice program prior to attaining 18 years of age and has completed the apprentice program, in addition to other requirements, is eligible to declare a limited-entry zone as that person's

Joint Standing Committee on Marine Resources

declared lobster zone.

Public Law 2016, chapter 428, like the bill, provides that an apprentice program may not require a person registered to enter an established island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. Public Law 2016, chapter 428, like the bill, reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

Public Law 2016, chapter 428 requires that, when calculating the number of trap tags retired for purposes of applying an exit ratio, the number of trap tags retired is considered to be the total of the greatest number of trap tags purchased in any prior year under each license that is not renewed, up to the zone maximum. Public Law 2016, chapter 428 allows a lobster management policy council to recommend that an exit ratio be based upon licenses that are not renewed or upon retired trap tags and, if the ratio is based upon retired trap tags, whether the exit ratio should be applied retroactively to a specific date.

Public Law 2016, chapter 428 provides that a lobster management policy council must post an agenda publicly at least seven days prior to the council meeting if the agenda includes items that would affect the ability of people who do not hold lobster and crab fishing licenses to participate in the lobster and crab fishing industry.

Public Law 2016, chapter 428 requires the Commissioner of Marine Resources to maintain, for persons who have requested to declare a limited-entry zone as their declared lobster zone, a waiting list of persons who did not hold a lobster and crab fishing license in the prior year and a separate waiting list of persons who did hold a lobster and crab fishing license in the prior year. The commissioner must adopt rules to administer entry of persons who held a license in the prior year into limited-entry zones.

Public Law 2016, chapter 428 requires the Commissioner of Marine Resources to verify at least every three years the waiting lists of persons wishing to enter a limited-entry zone. A person who does not respond to a verification request within 90 days is removed from the waiting list. The commissioner may place a person who does not respond back on a waiting list in the position where the person would have otherwise been when the person shows that the lack of response was due to being on active duty with the Armed Forces of the United States or the National Guard.

Public Law 2016, chapter 428 changes the date by which the Commissioner of Marine Resources must determine the number of new zone entrants in each limited-entry zone from February 1st to April 1st.

LD 1550 An Act To Protect Shellfish Conservation Areas

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY S KUMIEGA W		

This bill was not referred to committee.

This bill specifies that a person with a recreational or commercial shellfish or marine worm license may not harvest shellfish or marine worms within a buffer zone of 10 feet around protective netting placed as part of a municipal shellfish conservation program.