

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

jurisdiction over marine resources matters regarding management of the northern shrimp resource and the northern shrimp fishing industry. The joint standing committee may report out legislation based upon that report.

Enacted Law Summary

Public Law 2017, chapter 346 authorizes the Commissioner of Marine Resources to adopt rules to establish a system by which the number of commercial northern shrimp licenses issued may be limited in a season when the total allowable catch for Maine is less than 2,000 metric tons. Public Law 2017, chapter 346 requires the commissioner to consult with members of the northern shrimp industry prior to initiating rulemaking to limit the number of commercial northern shrimp licenses. Public Law 2017, chapter 346 also requires the commissioner, if the commissioner limits the number of commercial northern shrimp licenses, to provide a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding management of the northern shrimp resource and the northern shrimp fishing industry. The joint standing committee may report out legislation based upon that report.

LD 1659 An Act To Amend Maine's Marine Resources Laws Regarding Certain License Fees and Surcharges That Were Amended by Recently Enacted Legislation

PUBLIC 320

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

This bill reduces the Class I lobster and crab fishing license fee for applicants under 18 years of age from \$65 to \$60; clarifies lobster license surcharge fees to avoid conflicts; fixes an error regarding resident apprentice licenses for applicants 18 years of age or older; and repeals conflicting language regarding sea urchin and scallop diving tender license surcharges to reflect current practice.

Enacted Law Summary

Public Law 2017, chapter 320 reduces the Class I lobster and crab fishing license fee for applicants under 18 years of age from \$65 to \$60; clarifies lobster license surcharge fees to avoid conflicts; fixes an error regarding resident apprentice licenses for applicants 18 years of age or older; and repeals conflicting language regarding sea urchin and scallop diving tender license surcharges to reflect current practice.

LD 1720 An Act To Increase Flexibility in the Temporary Medical Allowance for Lobster and Crab Fishing License Holders

PUBLIC 352

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J VITELLI E	OTP-AM	H-616

This bill extends the maximum duration of a temporary medical allowance for lobster and crab fishing license holders from one year to two years.

The bill also creates a temporary terminal illness medical allowance that allows an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder when the individual is a spouse or child of the license holder and has completed the lobster apprentice program and the license holder has been diagnosed with a terminal illness and harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary terminal illness medical allowance. The bill requires the license holder to be present on the vessel for at least half of the hours during which the individual is fishing under the authority of the license on which the temporary terminal illness medical allowance is based. The temporary terminal illness medical allowance may not exceed one year in duration and may be renewed up to two times.

Joint Standing Committee on Marine Resources

Committee Amendment "A" (H-616)

This amendment, which is the unanimous report of the committee, replaces the bill. The amendment removes the provision of the bill that extends the maximum duration of a temporary medical allowance for lobster and crab fishing license holders from one year to two years and instead provides that the Commissioner of Marine Resources may renew an existing temporary medical allowance for up to one year upon application of the holder of the license upon which the allowance is based. As with current law, the amendment provides that a temporary medical allowance may not exceed one year, but the amendment provides that, upon renewal, the temporary medical allowance may not exceed a total of two consecutive years.

The amendment removes the provisions of the bill that create a temporary terminal illness medical allowance for lobster and crab fishing license holders diagnosed with a terminal illness.

Enacted Law Summary

Public Law 2017, chapter 352 provides that the Commissioner of Marine Resources may renew an existing temporary medical allowance for lobster and crab fishing license holders for up to one year upon application of the holder of the license upon which the allowance is based. Upon renewal, the temporary medical allowance may not exceed a total of two consecutive years.

LD 1767	Resolve, Regarding Legislative Review of Portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a Major Substantive Rule of the Department of Marine Resources	RESOLVE 43 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-632

This resolve provides for legislative review of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a major substantive rule of the Department of Marine Resources.

Committee Amendment "A" (H-632)

This amendment authorizes final adoption of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a provisionally adopted major substantive rule of the Department of Marine Resources, only if the rule is amended to remove the provisions providing additional draws in the scallop limited entry program lotteries for previous work in the scallop industry and for previously holding a scallop fishing license. Instead, the amendment directs the department to amend the rule to recognize an applicant's prior unsuccessful attempts in the lotteries.

Enacted Law Summary

Resolve 2017, chapter 43 authorizes final adoption of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a provisionally adopted major substantive rule of the Department of Marine Resources, only if the rule is amended to remove the provisions providing additional draws in the scallop limited entry program lotteries for previous work in the scallop industry and for previously holding a scallop fishing license. Instead, Resolve 2017, chapter 43 directs the department to amend the rule to recognize an applicant's prior unsuccessful attempts in the lotteries.

Resolve 2017, chapter 43 was finally passed as an emergency measure effective April 8, 2018.