

# MAINE STATE LEGISLATURE

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Date: 4/4/22

L.D. 1916  
(Filing No. H-914)

**MARINE RESOURCES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1422, L.D. 1916, "An Act To Create a Legal Defense Fund for the Maine Lobster Industry"

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 12 MRSA §6455-A, sub-§11**, as enacted by PL 2021, c. 491, §2, is amended by amending the 3rd blocked paragraph to read:

~~The~~ Except as provided in chapter 619, subchapter 7, the Treasurer of State shall hold all surcharges assessed by this subsection in the fund and invest all money in the fund until disbursed to the collaborative upon request of the collaborative. Interest from investments accrues to the fund.

**Sec. 2. 12 MRSA c. 619, sub-c. 7** is enacted to read:

**SUBCHAPTER 7**

**LOBSTER LEGAL DEFENSE FUND**

**§6491. Lobster Legal Defense Fund established**

The Lobster Legal Defense Fund, referred to in this subchapter as "the fund," is established as a nonlapsing account within the department to support the State's lobster industry in accordance with this subchapter. The fund includes amounts appropriated by the Legislature for purposes of this subchapter and 20% of the license surcharges assessed by the department pursuant to section 6455-A, subsection 11, deposited into the fund by the department.

**§6492. Use of fund**

Until June 30, 2024, the fund must be distributed on an annual basis as follows:

**COMMITTEE AMENDMENT**

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1. Department. To the department, an amount sufficient to reimburse the department for costs incurred in administering the fund during the preceding 12-month period;

2. Association. To a designated statewide association representing individuals engaged in commercial lobster fishing, up to 1/2 of the balance remaining after allocation to the department under subsection 1 to reimburse the association for legal costs incurred in legal proceedings involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan for which the association submits invoices to the department detailing legal costs incurred and paid; and

3. Labor union. To a labor union representing individuals engaged in commercial lobster fishing in the State, up to 1/2 of the balance remaining after allocation to the department under subsection 1 to reimburse the union for legal costs incurred in legal proceedings involving the regulations as set out in subsection 2 for which the union submits invoices to the department detailing legal costs incurred and paid.

The department shall distribute money from the fund according to this section. The department may adopt policies governing the distribution of money from the fund.

**§6493. Distribution of funds after June 30, 2024**

The department shall distribute money in the fund on June 30, 2024 as set out in this section.

1. Lobster Promotion Fund. An amount up to the amount of the license surcharges placed in the fund pursuant to section 6491 must be deposited into the Lobster Promotion Fund established in section 6455-A, subsection 10.

2. Department. Any balance remaining after the deposit under subsection 1 must be credited to the department.

**§6494. Repeal**

This subchapter is repealed October 1, 2024.

**Sec. 3. Report.** The Department of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by February 15, 2024. The report must provide details on disbursements made from the Lobster Legal Defense Fund established in the Maine Revised Statutes, Title 12, section 6491. The committee may report out a bill relating to the contents of the report during the Second Regular Session of the 131st Legislature.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**MAINE LOBSTER MARKETING COLLABORATIVE**

**Lobster Promotion Fund 0701**

Initiative: Deallocates funding because of a reduction in revenue from the license surcharge.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$0	(\$380,000)

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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$380,000)
<b>MAINE LOBSTER MARKETING COLLABORATIVE DEPARTMENT TOTALS</b>		
	<b>2021-22</b>	<b>2022-23</b>
OTHER SPECIAL REVENUE FUNDS	\$0	(\$380,000)
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>(\$380,000)</u>
<b>MARINE RESOURCES, DEPARTMENT OF Lobster Legal Defense Fund N946</b>		
Initiative: Provides ongoing allocations to support the State's lobster industry by reimbursing a statewide association of individuals engaged in commercial lobster fishing and the labor union representing individuals engaged in commercial lobster fishing in the State for legal costs incurred and paid in legal proceedings involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan.		
OTHER SPECIAL REVENUE FUNDS	<b>2021-22</b>	<b>2022-23</b>
All Other	\$0	\$380,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$380,000</u>
<b>Lobster Legal Defense Fund N946</b>		
Initiative: Provides ongoing appropriations to support the State's lobster industry by reimbursing a statewide association of individuals engaged in commercial lobster fishing and the labor union representing individuals engaged in commercial lobster fishing in the State for legal costs incurred and paid in legal proceedings involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan.		
GENERAL FUND	<b>2021-22</b>	<b>2022-23</b>
All Other	\$0	\$500,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$500,000</u>
<b>MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS</b>		
	<b>2021-22</b>	<b>2022-23</b>
GENERAL FUND	\$0	\$500,000
OTHER SPECIAL REVENUE FUNDS	\$0	\$380,000
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>\$880,000</u>
<b>SECTION TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>

# COMMITTEE AMENDMENT

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<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$500,000</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$0</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$500,000</b>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment replaces the bill, which is a concept draft. It creates the Lobster Legal Defense Fund in the Department of Marine Resources to provide money for legal actions involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan. In addition to a general fund appropriation by the Legislature into this nonlapsing fund, the department shall deposit 20% of the license surcharges assessed by the department pursuant to the Maine Revised Statutes, Title 12, section 6455-A, subsection 11.

Until June 30, 2024, the department is to distribute money from the fund to itself in an amount sufficient to reimburse the department for costs incurred in administering the fund during the preceding 12-month period. Of the remaining balance, 1/2 must be distributed to a statewide association of individuals engaged in commercial lobster fishing and 1/2 to the labor union representing individuals engaged in commercial lobster fishing in the State for legal costs incurred and paid in legal proceedings involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan.

Any money remaining in the fund on June 30, 2024 is required to be deposited by the department into the Lobster Promotion Fund up to an amount equal to the license surcharges placed in the Lobster Legal Defense Fund. Any money remaining in the fund is then retained by the department.

The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by February 15, 2024 and the committee has the authority to report out a bill in response to the contents of the report during the Second Regular Session of the 131st Legislature.

The provisions establishing and governing the Lobster Legal Defense Fund are repealed October 1, 2024.

The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 130th MAINE LEGISLATURE

LD 1916

LR 2463(02)

## An Act To Create a Legal Defense Fund for the Maine Lobster Industry

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-914)

Committee: Marine Resources

Fiscal Note Required: Yes

### Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$500,000	\$500,000	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$500,000	\$500,000	\$0
Other Special Revenue Funds	\$0	\$0	\$0	\$0
<b>Revenue</b>				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

### Fiscal Detail and Notes

This bill creates the Lobster Legal Defense Fund (LLDF) within the Department of Marine Resources (DMR). For 2 years 20% of license surcharges currently credited to the Lobster Promotion Fund (LPF) are to be credited to the LLDF. The bill includes an allocation of \$380,000 in fiscal year 2022-23 to the LLDF and a deallocation of \$380,000 to the LPF to reflect this revenue shift. Half the funds will be distributed to a lobster association and half to a labor union representing individuals engaged in commercial lobster fishing in the State for legal costs incurred and paid in legal proceedings involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration, implementing the Atlantic Large Whale Take Reduction Plan. The bill also includes a General Fund appropriation to the DMR of \$500,000 in fiscal year 2022-23 with the intent that the same amount be appropriated in fiscal year 2023-24. The appropriation will be used to increase funding to the LLDF. Any funds remaining in the LLDF on June 31, 2024 will be moved back to the Lobster Promotion Fund.