

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

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 First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

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:

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

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Marine Resources

LD 324 Resolve, To Require the Department of Marine Resources To Report on Results of Anadromous Fish Restoration on the Kennebec River System **ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER	ONTP MAJ OTP-AM MIN	

LD 324 requires the Department of Marine Resources to develop and perform a comprehensive cost and benefit analysis of the restoration of anadromous fish to the Kennebec River system and report its findings to the Joint Standing Committee on Marine Resources by January 15, 2008.

LD 377 An Act To Fund a Joint Appointment for a Groundfish Ecologist **DIED ON ADJOURNMENT**

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

LD 377 makes ongoing General Fund appropriations of \$100,000 per year for the Department of Marine Resources for its share of the costs of a groundfish ecologist to be employed by the Gulf of Maine Research Institute.

LD 384 An Act To Further Protect Water Quality in Coastal Waters **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	ONTP	

LD 384 prohibits the feeding of migratory waterfowl and seagulls on public property in the intertidal zone. It also requires the removal of fecal matter of pets on public property in the intertidal zone.

LD 403 An Act To Encourage Municipalities To Abate Coastal Pollution **PUBLIC 15 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	H-31 H-33 PERCY

Under current law, the Commissioner of Marine Resources must consult with a municipal shellfish conservation committee before opening an area for deperation digging. LD 403 requires the commissioner to obtain the approval of the committee before taking such action.

Committee Amendment "A" (H-31)

This committee amendment is an emergency measure and allows a town with a municipal shellfish conservation committee 2 years to develop a pollution abatement plan to manage a shellfish growing area within its jurisdiction that has been downgraded to a restricted classification after January 1, 2006, before that area is opened to deperation harvesting. Beginning April 1, 2007, a municipality must notify the commissioner

Joint Standing Committee on Marine Resources

within 8 weeks of the reclassification of an area whether or not it intends to develop a pollution abatement plan. If a municipality develops a pollution abatement plan within 2 years from the date of the reclassification, the Commissioner of Marine Resources must obtain the permission of the municipality before opening the area to depuration harvesting. If the municipality does not wish to develop a pollution abatement plan or if it fails to notify the commissioner within the 8-week period, municipal approval is not required before opening the area to depuration harvesting. This committee amendment allows a town to manage the depuration harvesting within its jurisdiction if it has a depuration management plan approved by the Commissioner of Marine Resources. It also requires a depuration plant operator to file a general management plan with the Commissioner of Marine Resources that includes a timeline for harvest, harvest limits and harvester selection.

House Amendment "A" (H-33)

This House amendment is a technical amendment that provides a missing legal action verb.

Enacted Law Summary

Public Law 2007, chapter 15 allows a town with a municipal shellfish conservation committee 2 years to develop a pollution abatement plan to manage a shellfish growing area within its jurisdiction that has been downgraded to a restricted classification after January 1, 2006, before that area is opened to depuration harvesting. Beginning April 1, 2007, a municipality must notify the commissioner within 8 weeks of the reclassification of an area whether or not it intends to develop a pollution abatement plan. If a municipality develops a pollution abatement plan within 2 years from the date of the reclassification, the Commissioner of Marine Resources must obtain the permission of the municipality before opening the area to depuration harvesting. If the municipality does not wish to develop a pollution abatement plan or if it fails to notify the commissioner within the 8-week period, municipal approval is not required before opening the area to depuration harvesting. Under current law, the Commissioner of Marine Resources must consult with a municipal shellfish conservation committee before opening an area for depuration digging. Public Law 2007, chapter 15 allows a town to manage the depuration harvesting within its jurisdiction if it has a depuration management plan approved by the Commissioner of Marine Resources. It also requires a depuration plant operator to file a general management plan with the Commissioner of Marine Resources that includes a timeline for harvest, harvest limits and harvester selection.

Public Law 2007, chapter 15 was an emergency measure effective March 22, 2007.

LD 492 An Act To Clarify Who Receives Money from Fines for Violations of Maine's Soft-shelled Clam Laws

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD	OTP-AM	H-205

LD 492 requires that a fine collected for a violation of soft-shelled clam laws be paid to the municipality in which the violation occurred.

Committee Amendment "A" (H-205)

This committee amendment replaces the bill and clarifies that fines issued pursuant to a violation of a municipal shellfish conservation ordinance must be paid to the municipality in which the violation occurred.