

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

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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 1318 **Resolve, To Conduct an Independent Review of the Department of Marine Resources, Public Health Division**

**RESOLVE 82
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-326 S-193 DAMON

LD 1318 requires the Department of Marine Resources and the Office of Program Evaluation and Government Accountability to facilitate the implementation of an independent review and audit of program procedures and protocol of the water quality assessment functions of the Public Health Division of the Department of Marine Resources.

Committee Amendment "A" (H-326)

This committee amendment replaces the section of LD 1318 that directs the Department of Marine Resources and the Office of Program Evaluation and Government Accountability to conduct a review and audit of the public health division within the Department of Marine Resources and:

1. Directs Maine Sea Grant to work with the Interstate Shellfish Sanitation Conference to develop a scope of work and issue a request for proposals to conduct a review of the program procedures in the public health division within the Department of Marine Resources;
2. Establishes a 3-member scoring committee to select a vendor from applications received in response to the request for proposals by Maine Sea Grant;
3. Establishes a special fund within the Department of Marine Resources to be used only for the purpose of conducting a review of program procedures and authorizes the department to accept outside funding for this special fund;
4. Directs Maine Sea Grant, in conjunction with the vendor selected to conduct the review and after review and comment by the Interstate Shellfish Sanitation Conference, to provide a report on the review of the public health division within the Department of Marine Resources to the Joint Standing Committee on Marine Resources by January 15, 2008;
5. Directs the Department of Marine Resources to work with members of the shellfish harvesting industry to determine the need and feasibility of a shellfish advisory council and to report its findings and recommendations to the Joint Standing Committee on Marine Resources by January 15, 2008; and
6. Adds an appropriations and allocations section.

Senate Amendment "A" (S-193)

This Senate amendment clarifies that expenditures from the Special Fund for Peer Review of the Department of Marine Resources, Public Health Division are limited to grants distributed at the direction of the 3-member scoring committee established in Committee Amendment "A."

Enacted Law Summary

Resolve 2007, chapter 82 does the following:

1. Directs Maine Sea Grant to work with the Interstate Shellfish Sanitation Conference to develop a scope of work and issue a request for proposals to conduct a review of the program procedures in the public health division within

Joint Standing Committee on Marine Resources

the Department of Marine Resources;

2. Establishes a 3-member scoring committee to select a vendor from applications received in response to the request for proposals by Maine Sea Grant;
3. Establishes a special fund within the Department of Marine Resources to be used only for the purpose of conducting a review of program procedures as directed by the 3-member scoring committee and authorizes the department to accept outside funding for this special fund;
4. Directs Maine Sea Grant, in conjunction with the vendor selected to conduct the review and after review and comment by the Interstate Shellfish Sanitation Conference, to provide a report on the review of the public health division within the Department of Marine Resources to the Joint Standing Committee on Marine Resources by January 15, 2008; and
5. Directs the Department of Marine Resources to work with members of the shellfish harvesting industry to determine the need and feasibility of a shellfish advisory council and to report its findings and recommendations to the Joint Standing Committee on Marine Resources by January 15, 2008.

Resolve 2007, chapter 82 was an emergency measure effective June 15, 2007.

LD 1409 An Act To Make Technical Changes to Maine's Aquaculture Statutes

PUBLIC 212

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM	H-251

LD 1409 proposes to make several technical changes to Maine's aquaculture statutes. It provides a more specific definition for "intertidal zone" for the Maine Revised Statutes, Title 12, chapter 605, subchapter 2. It allows a limited-purpose aquaculture license to be issued to a municipal shellfish committee. It prohibits a person from marking or designating an area as a sea farm or aquaculture lease unless the area is currently leased for aquaculture or is under consideration for leasing through the aquaculture lease process. Finally, it provides that information obtained from other state, federal or foreign government agencies about aquaculture operations in their jurisdictions that is designated as confidential must be kept confidential by the Department of Marine Resources.

LD 1409 was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA Title 1, § 434, which requires review and evaluation of new exceptions to laws governing public records.

Committee Amendment "A" (H-251)

This committee amendment makes a technical change to reallocate a section of the bill to a more appropriate place in statute.

Enacted Law Summary

Public Law 2007, chapter 212 provides a more specific definition for "intertidal zone" for the Maine Revised Statutes, Title 12, chapter 605, subchapter 2. It also allows a limited-purpose aquaculture license to be issued to a municipal shellfish committee. Public Law 2007, chapter 212 prohibits a person from marking or designating an area as a sea farm or aquaculture lease unless the area is currently leased for aquaculture or is under consideration for leasing through the aquaculture lease process. It also provides that information obtained from other state, federal or foreign government agencies about aquaculture operations in their jurisdictions that is designated as confidential must be kept confidential by the Department of Marine Resources.