

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

CURTIS C. BENTLEY, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. DENNIS S. DAMON, CHAIR
SEN. DANA L. DOW
SEN. LOIS A. SNOWE-MELLO

REP. LEILA J. PERCY, CHAIR
REP. HERBERT ADAMS
REP. PEGGY A. PENDLETON
REP. EDWARD J. MAZUREK
REP. ROBERT N. EATON
REP. W. BRUCE MACDONALD
REP. JOHN F. MCDONOUGH
REP. PHILIP A. CRESSEY, JR.
REP. KENNETH C. FLETCHER
REP. HAROLD IAN EMERY

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 1420 An Act To Make Technical Changes to the Definition of "Coastal Area" and To Aid the Implementation of the Taunton Bay Resource Management Plan

PUBLIC 157

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-85

LD 1420 amends the definition of "territorial waters" in the Maine Revised Statutes, Title 12, Part 9 to extend that area from 3 nautical miles to 12 nautical miles. It directs the Department of Marine Resources and the Public Utilities Commission to review the coastal management policies contained in Title 38, chapter 19 and develop new policies and recommendations to update those provisions. LD 1420 also directs the Department of Marine Resources and the Public Utilities Commission to report their recommendations to the Joint Standing Committee on Marine Resources by January 5, 2008.

Committee Amendment "A" (S-85)

This committee amendment replaces the bill and instead of amending the definition of a "territorial waters" it amends the definition of "coastal area" to clarify that that area only extends out 3 nautical miles. Current law provides that whenever the Commissioner of Marine Resources adopts rules that limit the taking of one marine organism to protect another, those rules are major substantive rules. This committee amendment makes similar rules regarding the Taunton Bay Resource Management Plan routine technical instead of major substantive rules.

Enacted Law Summary

Public Law 2007, chapter 157 amends the definition of "coastal area" to clarify that that area only extends out 3 nautical miles. Current law provides that whenever the Commissioner of Marine Resources adopts rules that limit the taking of one marine organism to protect another, those rules are major substantive rules. Public Law 2007, chapter 157 makes similar rules regarding the Taunton Bay Resource Management Plan routine technical instead of major substantive rules.

LD 1528 Resolve, To Require State Agencies with Jurisdiction over Dams To Review and Update Plans for the Passage of Native Diadromous Fish

RESOLVE 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MAJ ONTP MIN	S-252

LD 1528 requires that dams in this State in all classifications of fresh and estuarine surface waters must provide safe and effective upstream and downstream passage for indigenous diadromous fish. Diadromous fish are those fish that migrate from fresh to sea water or sea water to fresh water and are known as anadromous and catadromous fish, such as alewives, shad and salmon. It also provides a process for any person to bring a civil action against violators of the requirements.

Committee Amendment "A" (S-252)

This committee amendment replaces the bill with a resolve and directs the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Environmental Protection to do the following:

Joint Standing Committee on Marine Resources

1. Conduct a detailed review of current efforts to provide eel and other native diadromous fish species both upstream and downstream passage over dams on the Kennebec River and the Sebasticook River;
2. Review current plans and identify impediments to providing eel and other diadromous fish upstream and downstream passage on all rivers of the State;
3. Develop an amendment to the water quality classifications and standards in the Maine Revised Statutes, Title 38 that includes fish kills within those standards and classifications and provides a definition for "fish kill" and consult with the appropriate experts on the proposed amendment and definition to determine if it will allow the State to require fish passage at licensed and unlicensed dams;
4. Determine the need and feasibility of establishing or modifying timelines within which the Board of Environmental Protection must respond to a citizen petition and, if the Board of Environmental Protection accepts a petition, a timeline within which it must issue a decision on the merits of that petition; and
5. Report their findings and recommendations along with implementing legislation jointly to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Natural Resources no later than January 30, 2008.

Enacted Law Summary

Resolve 2007, chapter 109 directs the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Environmental Protection to do the following:

1. Conduct a detailed review of current efforts to provide eel and other native diadromous fish species both upstream and downstream passage over dams on the Kennebec River and the Sebasticook River;
2. Review current plans and identify impediments to providing eel and other diadromous fish upstream and downstream passage on all rivers of the State;
3. Develop an amendment to the water quality classifications and standards in the Maine Revised Statutes, Title 38 that includes fish kills within those standards and classifications and provides a definition for "fish kill" and consult with the appropriate experts on the proposed amendment and definition to determine if it will allow the State to require fish passage at licensed and unlicensed dams;
4. Determine the need and feasibility of establishing or modifying timelines within which the Board of Environmental Protection must respond to a citizen petition and, if the Board of Environmental Protection accepts a petition, a timeline within which it must issue a decision on the merits of that petition; and
5. Report their findings and recommendations along with implementing legislation jointly to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Natural Resources no later than January 30, 2008.

LD 1570 An Act To Support Commercial Groundfishing

CARRIED OVER

Sponsor(s)

RECTOR

Committee Report

Amendments Adopted

LD 1570 exempts diesel fuel used for the purpose of operating or propelling a commercial groundfishing boat from the sales tax. "Commercial groundfishing boat" is defined as a boat that is licensed to harvest and is used for