

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

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

Joint Standing Committee on Marine Resources

harvesting northeast multispecies fish.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1594 An Act To Amend the Laws Governing Closed Periods for the Hauling of Lobster Traps CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A		

LD 1594 changes the closed period for hauling lobster traps from June 1st through October 31st to June 1st through August 31st.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1595 An Act To Ensure the Proper Management of the Sea Urchin Industry PUBLIC 176

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EMERY	OTP-AM	H-191

LD 1595 is a concept draft pursuant to Joint Rule 208.

LD 1595 proposes to amend the current law to change the Sea Urchin Zone Council from an advisory council role to give it authority to move forward to create a stronger role in the decision-making process and management of the sea urchin industry. It proposes to add the chair of the Sea Urchin Zone Council to the Marine Resources Advisory Council. It also proposes to change the appointment of members on the Sea Urchin Zone Council so that the members in the fishing industry are elected to the council and the members not from the fishing industry are appointed to the council by the Department of Marine Resources. It also proposes to have the council work with the Commissioner of Marine Resources to change the number of council members.

Enacted Law Summary

Public Law 2007, chapter 176 adds the chair of the Sea Urchin Zone Council to the Marine Resources Advisory Council and changes the makeup of the Sea Urchin Zone Council. It also reduces the number of Sea Urchin Zone Council members from 19 to 15 and provides that 7 members are to be elected by the sea urchin industry and 8 appointed by the Commissioner of Marine Resources.

LD 1769 Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources RESOLVE 28 EMERGENCY

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

LD 1769 provides for legislative review of portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a major substantive rule of the Department of Marine Resources.