

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

Enacted Law Summary

Resolve 2007, chapter 28 provides for the adoption of portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a major substantive rule of the Department of Marine Resources. The rules close two small areas of state waters to all diver and mobile gear fishing in Moosebec Reach for a period of 3 years to conduct a scallop enhancement and re-colonization experiment.

Resolve 2007, chapter 28 was an emergency measure effective May 18, 2007.

LD 1811 An Act To Create a Saltwater Recreational Fishing License

INDEF PP

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

LD 1811 establishes a saltwater recreational fishing license, dedicates the fees from licensing to the Marine Recreation Fishing Conservation and Management Fund and gives the Commissioner of Marine Resources authority to make expenditures from the fund for purposes such as fisheries management research and education and outreach.

Committee Amendment "A" (H-363)

This committee amendment is the majority report and replaces the bill. It requires the Commissioner of Marine Resources to develop and determine how to implement a saltwater recreational fishing license, permit or registry for the coastal waters of the State that will exempt saltwater recreational anglers and charter boat fishing vessels from the federal registration program established in the reauthorized federal Magnuson-Stevens Fisheries Conservation and Management Act. This committee amendment requires the commissioner to report the commissioner's findings, recommendations and any implementing legislation to the Joint Standing Committee on Marine Resources by no later than January 15, 2008. It also authorizes the Joint Standing Committee on Marine Resources to submit legislation related to that report to the Second Regular Session of the 123rd Legislature.

Committee Amendment "B" (H-364)

This committee amendment is the minority report and replaces the bill. It requires the Commissioner of Marine Resources to develop and determine how to implement a saltwater recreational fishing license, permit or registry for the coastal waters of the State that will exempt saltwater recreational anglers and charter boat fishing vessels from the federal registration program established in the reauthorized federal Magnuson-Stevens Fisheries Conservation and Management Act. This committee amendment also requires the commissioner to report the commissioner's findings, recommendations and any implementing legislation to the joint standing committee of the Legislature having jurisdiction over marine resources matters by no later than January 15, 2009. It authorizes the joint standing committee to submit legislation related to that report to the First Regular Session of the 124th Legislature.

LD 1870 An Act To Provide Flexibility within the Monhegan Lobster Conservation Area and To Strengthen the Eligibility Requirements for a Student Lobster Fishing License

PUBLIC 219
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY DAMON	OTP-AM	H-279

Joint Standing Committee on Marine Resources

LD 1870 proposes to the following changes to the laws governing lobstering in the Monhegan Lobster Conservation Area.

1. It changes the parameters of the open season that the Commissioner of Marine Resources establishes by rule from a period of 180 days between December 1st and June 25th to a period of not more than 270 days between September 1st and June 25th.
2. It charges the commissioner with establishing by rule a trap limit for the area not to exceed 475 traps per individual. The same procedural guidelines in place for establishing the open and closed seasons will also apply to setting the trap limit, specifically:
 - A. Two-thirds of the individuals registered to obtain area trap tags must agree with the limit;
 - B. A public hearing is not required;
 - C. No one may petition for adoption or modification of a rule establishing the trap limit; and
 - D. The commissioner need not have the advice and consent of the Marine Resources Advisory Council to adopt the limit.

Committee Amendment "A" (H-279)

This committee amendment replaces the title of the bill with "An Act to Amend the Laws Governing Lobster Fishing in Monhegan Island Conservation Area and to Amend the Requirements for a Student Lobster and Crab Fishing License." It also:

1. Changes the proposed start for the open season on lobster fishing in the Monhegan Lobster Conservation Area from September 1st to October 1st and limits the proposed number of days open to fishing from 270 to 250 and removes the requirement that those days be consecutive;
2. Provides that the Commissioner of Marine Resources may accept the open season and trap limits for lobster fishing in the Monhegan Lobster Conservation Area preferences proposed by 2/3 of the registrants in that area as reasonable and adopt those preferences or reject the proposed preferences as unreasonable. The commissioner must consult with the lobster management policy council for Zone D before making a decision on the preferences proposed by the registrants;
3. Increases the number of days a person must apprentice in the Monhegan Lobster Conservation Area from 150 days to 200 days to match the apprenticeship requirements in other lobster zones;
4. Provides that a person registered to fish lobsters in the Monhegan Lobster Conservation Area must have harvested lobsters during 5 open seasons in that area before that person can fish elsewhere in Zone D without having to go on a waiting list to fish lobsters in that zone; and
5. Directs the Commissioner of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 15, 2011 on the results of the open season and trap limit change for fishing lobsters in the Monhegan Lobster Conservation Area.

Enacted Law Summary

Public Law 2007, chapter 219 makes the following changes to the laws governing lobstering in the Monhegan Lobster Conservation Area:

1. Changes the proposed start for the open season on lobster fishing in the Monhegan Lobster Conservation Area from September 1st to October 1st and limits the proposed number of days open to fishing from 270 to 250 and removes the requirement that those days be consecutive;
2. Provides that the Commissioner of Marine Resources may accept the open season and trap limits for lobster fishing in the Monhegan Lobster Conservation Area preferences proposed by 2/3 of the registrants in that area as reasonable and adopt those preferences or reject the proposed preferences as unreasonable. The commissioner must consult with the lobster management policy council for Zone D before making a decision on the preferences proposed by the registrants;

Joint Standing Committee on Marine Resources

3. Increases the number of days a person must apprentice in the Monhegan Lobster Conservation Area from 150 days to 200 days to match the apprenticeship requirements in other lobster zones;
4. Provides that a person registered to fish lobsters in the Monhegan Lobster Conservation Area must have harvested lobsters during 5 open seasons in that area before that person can fish elsewhere in Zone D without having to go on a waiting list to fish lobsters in that zone; and
5. Directs the Commissioner of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 15, 2011 on the results of the open season and trap limit change for fishing lobsters in the Monhegan Lobster Conservation Area.

Public Law 2007, chapter 1870 was passed as an emergency measure effective June 4, 2007.

LD 1883 Resolve, To Modify the 2007 Elver Fishing Season

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EATON	OTP A OTP-AM B ONTP C	

LD 1883 modifies the elver season by allowing a person to fish for elver every day of the week, including from noon Friday to noon Sunday, during the 2007 elver season only.

**LD 1893 An Act To Create Jobs through the Establishment of a Fund To
Enhance Maine's Marine Resource Economy**

INDEF PP

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

LD 1893 establishes the Marine Fisheries Stock Enhancement Fund in the Department of Marine Resources. It provides that money in the fund must be administered by the department for commercial marine stock enhancement to improve the marine economy in this State through applied research, development, production of harvested marine species, infrastructure, monitoring and assessment. LD 1893 provides that money in the fund may be used as federal matching funds. It also appropriates \$250,000 in each year of the 2008-09 biennium to the Marine Fisheries Stock Enhancement Fund.