

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

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

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Marine Resources

LD 798 An Act To Standardize Inshore Dragging Seasons for Scallops and Sea Cucumbers **ONTP**

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

LD 798 changes the sea cucumber dragging season from July 1st to September 30th to April 16th to November 30th to align with the scallop season.

LD 1570 An Act To Support Commercial Groundfishing **ONTP**

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

This bill 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 harvesting northeast multispecies fish.

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

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

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

LD 1957 An Act To Restore Diadromous Fish in the St. Croix River

**PUBLIC 587
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MIN	S-505

LD 1957 requires the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to ensure by May 1, 2008 that fishways on the Woodland Dam and the Grand Falls Dam, both located on the St. Croix River, are configured or operated in a manner that allows the passage of alewives.

Committee Amendment "A" (S-505)

This amendment is the majority report and provides that by May 1, 2008 the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife shall ensure that only the fishway on the Woodland Dam on the St. Croix River allows the passage of alewives.

Committee Amendment "B" (S-506)

This amendment is minority report and provides that by May 1, 2008 the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure that only the fishway on the Woodland Dam on the

Joint Standing Committee on Marine Resources

St. Croix River allows the passage of alewives. It also provides that the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Passamaquoddy Tribe must develop a memorandum of agreement that recognizes their joint management responsibilities within the St. Croix River as those responsibilities pertain to the coexistence of diadromous species and resident species within the watershed. The agreement must contain provisions regarding the passage of alewives over the Grand Falls Dam on the St. Croix River and requires the parties to report back to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 5, 2012.

Enacted Law Summary

Public Law 2007, chapter 587 provides that by May 1, 2008 the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure that the fishway on the Woodland Dam on the St. Croix River allows the passage of alewives.

Public Law 2007, chapter 587 was enacted as an emergency measure effective April 9, 2008.

LD 1958 An Act To Make Marine Resources Management More Responsive

PUBLIC 574

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-474

This bill changes the rules that are adopted to limit the taking of a marine organism for the purpose of protecting another marine organism from major substantive rules to routine technical rules in order to allow the Department of Marine Resources to respond more effectively to fisheries management needs.

Committee Amendment "A" (S-474)

Current law provides that a rule adopted by the Commissioner of Marine Resources that limits the taking of one marine organism to protect another marine organism is a major substantive rule. This amendment authorizes the Commissioner of Marine Resources, for biological reasons, to adopt a routine technical rule to limit the taking of one marine organism to protect another marine organism that is effective only until 90 days after the adjournment of the next regular session of the Legislature. It requires the Commissioner of Marine Resources to also submit such a rule to the Legislature as a major substantive rule. The provisions of this amendment are repealed July 31, 2012.

Enacted Law Summary

Public Law 2007, chapter 574 authorizes the Commissioner of Marine Resources, for biological reasons, to adopt a routine technical rule to limit the taking of one marine organism to protect another marine organism that is effective until 90 days after the adjournment of the next regular session of the Legislature. It requires the Commissioner of Marine Resources to also submit such a rule to the Legislature as a major substantive rule. The provisions of Public Law 2007, chapter 574 are repealed on July 31, 2012.

LD 1980 An Act To Preserve the Cobscook Bay Scallop Fishery

PUBLIC 557

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-472

This bill requires the suspension of a person's scallop fishing license if that person is convicted of 3 or more violations of the scallop fishing laws in Cobscook Bay. The bill also establishes mandatory fines and allows for the seizure of all scallops on board for violations of the scallop fishing laws in Cobscook Bay.