

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

May 2008

**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. KENNETH C. FLETCHER  
REP. HAROLD IAN EMERY  
REP. WESLEY E. RICHARDSON

**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

---

<sup>1</sup> 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

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.

# Joint Standing Committee on Marine Resources

## Committee Amendment "A" (S-472)

This amendment conforms the prohibitions in the bill with the work of the Maine Criminal Justice Information System Policy Board to create a one-to-one relationship between each violation and a unique statutory citation.

### Enacted Law Summary

Public Law 2007, chapter 557 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.

## LD 2006 An Act To Give Municipalities Control of Mussels Located in Intertidal Zones

PUBLIC 494

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-434

Under current law, a municipality may adopt shellfish conservation programs. This bill expands the definition of "shellfish" to include mussels.

## Committee Amendment "A" (S-434)

This amendment replaces the bill and allows a municipality to specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support the municipality's shellfish conservation program. It authorizes the Commissioner of Marine Resources, with the advice of the affected municipality, to issue a permit to a person holding a mussel boat license to harvest mussels from an area designated by the municipality as a limited mussel dragging area. It provides that the commissioner must limit the number of these permits to achieve the goals of a municipality's shellfish conservation program and may place other restrictions on the permit necessary for consistency with the conservation program.

### Enacted Law Summary

Public Law 2007, chapter 494 allows a municipality to specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support the municipality's shellfish conservation program. It authorizes the Commissioner of Marine Resources, with the advice of the affected municipality, to issue a permit to a person holding a mussel boat license to harvest mussels from an area designated by the municipality as a limited mussel dragging area. Public Law 2007, chapter 494 requires the commissioner to limit the number of these permits to achieve the goals of a municipality's shellfish conservation program and may place other restrictions on the permit necessary for consistency with the conservation program.

## LD 2038 An Act To Establish the Shellfish Advisory Council and To Improve the Process of Reopening Clam Flats

PUBLIC 606  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFKY	OTP-AM MAJ OTP-AM MIN	H-741 H-947 GERZOFKY H-954 MAZUREK

LD 2038 authorizes a municipality to contract with a private entity to conduct water sampling in an area closed by regulation to shellfish harvesting. The municipality may submit sampling results to the Commissioner of Marine Resources for consideration in determining whether or not to reopen the area to shellfish harvesting.