

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

This amendment does the following:

1. Reduces by 1/2 the daily quantity of scallops a person with a noncommercial scallop license can harvest or possess to 1 bushel of shell scallops or 2 quarts of shucked scallops;
2. Provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only;
3. Provides for a \$40 surcharge for noncommercial scallop licenses;
4. Increases the number of people eligible to obtain a scallop fishing license in 2009 by increasing the eligibility period from those who held a scallop license between 2006 and April 15, 2007 to those who held a scallop license between 2005 and March 3, 2008;
5. Directs the Commissioner of Marine Resources to adopt rules to establish a minimum ring size of no less than 4 inches;
6. Directs the Commissioner of Marine Resources to adopt by rule the maximum size for the mouth of a drag or combination of drags used together that is no more than 5 feet, 6 inches across;
7. Directs the Scallop Advisory Council and the Department of Marine Resources to develop a comprehensive strategic plan that will rebuild Maine's scallop resource and create a sustainable scallop fishery. The council and department must report the plan, including findings, recommendations and necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 5, 2009. The joint standing committee may submit legislation to the First Regular Session of the 124th Legislature relating to the report and strategic plan; and
8. Provides that for any violation of a scallop law or rule all scallops on board may be seized and for the first offense a mandatory fine of \$500 is imposed, for the 2nd offense a mandatory fine of \$750 is imposed and for the 3rd and subsequent offenses a mandatory fine of \$750 is imposed.

House Amendment "A" (H-889)

This amendment adds a repeal date of July 1, 2012 to the new provision establishing a limited entry system for scallop licensing.

Senate Amendment "B" (S-597)

The amendment increases the number of people eligible to obtain a scallop fishing license by increasing the eligibility period from between 2005 and March 3, 2008 to between 2005 and May 1, 2008. The amendment also strikes the language that deals with drag width.

Enacted Law Summary

Public Law 2007, chapter 607 does the following:

1. Requires that a person hold a scallop dragging license and be present on the boat named on the license when the boat is engaged in dragging for scallops;
2. Restricts the issuance of scallop licenses in 2009 and thereafter to persons who had a scallop license between 2005 and May 1, 2008. This provision is repealed on July 1, 2012;
3. Reduces by 1/2 the daily quantity of scallops a person with a noncommercial scallop license can harvest or possess to 1 bushel of shell scallops or 2 quarts of shucked scallops;

Joint Standing Committee on Marine Resources

4. Provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only;
5. Provides for a \$40 surcharge for noncommercial scallop licenses;
6. Directs the Commissioner of Marine Resources to adopt rules to establish a minimum ring size of no less than 4 inches;
7. Directs the Scallop Advisory Council and the Department of Marine Resources to develop a comprehensive strategic plan that will rebuild Maine's scallop resource and create a sustainable scallop fishery. The council and department must report the plan, including findings, recommendations and necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 5, 2009. The joint standing committee may submit legislation to the First Regular Session of the 124th Legislature relating to the report and strategic plan;
8. Provides that for any violation of a scallop law or rule all scallops on board may be seized and for the first offense a mandatory fine of \$500 is imposed, for the 2nd offense a mandatory fine of \$750 is imposed and for the 3rd and subsequent offenses a mandatory fine of \$750 is imposed; and
9. Expands the uses of the Scallop Research Fund to include the implementation of scallop management measures.

LD 2129 An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry

PUBLIC 692

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|------------------------------|---|
| WEBSTER | OTP-AM MAJ OTP-AM MIN | H-728 H-789 PERCY S-535 DAMON |

LD 2129 makes the shellfish sanitation hotline and the Department of Marine Resources' website the means by which the department notifies shellfish harvesters of the opening and closing of clam flats and not by newspaper publication.

Committee Amendment "B" (H-728)

This amendment is the minority report and replaces the bill. It removes the requirement that rules relating to the status of shellfish areas adopted by the Department of Marine Resources be published in a newspaper. Instead, the amendment requires the Department of Marine Resources to place any information concerning the opening or closing of a shellfish area on the department's shellfish sanitation hotline and on the department's publicly accessible website. It gives the Commissioner of Marine Resources the option to publish changes to shellfish areas in the newspaper in cases of emergency. It also repeals the provisions of this bill on July 31, 2009.

House Amendment "A" (H-789)

This amendment removes the language that repeals the shellfish area closure status notification. The amendment also changes the reporting date of the report to be filed by the Department of Marine Resources from January 5, 2009 to March 1, 2010.

Senate Amendment "A" (S-535)

The bill, as amended by Committee Amendment "B," eliminates the requirement that notification of rulemaking relating to the status of a shellfish area be published in a newspaper. This amendment directs that the resulting