

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

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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

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

Joint Standing Committee on Marine Resources

savings be transferred to the Shellfish Fund, which is established for the management, enforcement, restoration, development and conservation of shellfish and mussels in the intertidal zone or coastal waters, and allocates those funds for funding overtime for water quality staff and training volunteers in the water quality program.

Enacted Law Summary

Public Law 2007, chapter 692 eliminates the requirement that notification of rulemaking relating to the status of a shellfish area be published in a newspaper. Instead, Public Law 2007, chapter 692 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 also directs that the resulting savings be transferred to the Shellfish Fund, which is established for the management, enforcement, restoration, development and conservation of shellfish and mussels in the intertidal zone or coastal waters, and allocates those funds for funding overtime for water quality staff and training volunteers in the water quality program.

LD 2137 An Act To Clarify the Licensing Requirements for Aquaculturists and Allow for the Appropriate Handling of Bycatch from Aquaculture Lease Sites

PUBLIC 522

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONOUGH	OTP-AM	H-711

LD 2137 provides that wild fish found with farmed fish in an area leased for aquaculture must be harvested and returned for appropriate disposal by the lease holder. It also provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of certain cultured organisms from the area leased for aquaculture or licensed gear. This bill establishes that commercial shellfish license holders, mussel hand-raking license holders and mussel boat license holders may use these licenses to remove, possess, transport and sell cultured shellfish they have removed from an area they lease for aquaculture.

Committee Amendment "A" (H-711)

This amendment makes technical corrections to certain statutory references in the bill.

Enacted Law Summary

Public Law 2007, chapter 522 provides that wild fish found with farmed fish in an area leased for aquaculture must be harvested and returned for appropriate disposal by the lease holder. It also provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of certain cultured organisms from the area leased for aquaculture or licensed gear. Public Law 2007, chapter 522 establishes that commercial shellfish license holders, mussel hand-raking license holders and mussel boat license holders may use these licenses to remove, possess, transport and sell cultured shellfish they have removed from an area they lease for aquaculture.

LD 2156 An Act To Amend the Laws Governing Marine Resources

PUBLIC 615

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-615

This bill makes the following changes to the laws governing marine resources:

1. Modifies the definition of "common carrier" to ensure that the intrastate transportation of marine organisms by common carrier is allowed;