

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON MARINE RESOURCES

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STATE OF MAINE

124TH 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 124th 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>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<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 First Regular Session of the 124th Legislature is September 12, 2009. 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

LD 173 An Act To Restore Funding for a Fish Hatchery in Northern Maine

ONTP

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

LD 173 is a concept draft pursuant to Joint Rule 208 and proposes to restore funding for a fish hatchery in northern Maine.

LD 246 An Act Regarding Violations of Lobster Conservation Laws

PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-20

LD 246 amends the lobster conservation laws to:

1. Add theft to the list of offenses for which a marine resources license may be suspended;
2. Provide that for a 3rd or subsequent offense of lobster trap molesting the Commissioner of Marine Resources may permanently revoke a license holder's license;
3. Expand the types of illegal lobsters for which a 2nd offense will result in a mandatory suspension;
4. Create a requirement that a lobster and crab fishing license holder fishing for or taking lobsters may operate only the vessel listed on the license holder's license; and
5. Increase the monetary fines for conviction of violation of certain lobster conservation laws and provides that an individual is not eligible for election as a lobster management policy council member if that individual has been convicted of a lobster law violation within the past 7 years.

Committee Amendment "A" (S-20)

This amendment adds a minimum fine of \$1,000 to the maximum fine of \$5,000 for certain violations of lobster laws in which the number of illegal lobsters cannot be determined. It adds a minimum fine of \$2,500 to the maximum fine of \$10,000 for possession of egg-bearing or v-notched lobsters in which the number of illegal lobsters cannot be determined. This amendment clarifies that the owner or operator provisions of the bill only apply to a person that holds a Class I, Class II or Class III lobster and crab fishing license.

Enacted Law Summary

Public Law 2009, chapter 394 amends lobster conservation laws to:

1. Add theft to the list of offenses for which a marine resources license may be suspended;
2. Provide that for a 3rd or subsequent offense of lobster trap molesting the Commissioner of Marine Resources may permanently revoke a license holder's license;

Joint Standing Committee on Marine Resources

3. Expand the types of illegal lobsters for which a 2nd offense will result in a mandatory suspension;
4. Create a requirement that a Class I,II or III lobster and crab fishing license holder fishing for or taking lobsters may operate only the vessel listed on the license holder's license;
5. Increase the monetary fines for conviction of violation of certain lobster conservation laws and provides that an individual is not eligible for election as a lobster management policy council member if that individual has been convicted of a lobster law violation within the past 7 years;
6. Add a minimum fine of \$1,000 to the maximum fine of \$5,000 for certain violations of lobster laws in which the number of illegal lobsters cannot be determined; and
7. Add a minimum fine of \$2,500 to the maximum fine of \$10,000 for possession of egg-bearing or v-notched lobsters in which the number of illegal lobsters cannot be determined.

LD 278 An Act To Bring Equity to the Sea Urchin License Fees

PUBLIC 396

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-123

Under current law, the holder of a sea urchin fishing license pays the same license fee to fish for sea urchins in either Zone 1 or Zone 2 despite a significant difference between the zones in the number of days open to sea urchin fishing. LD 278 restructures the current annual fee for sea urchin fishing licenses to a fee based on the number of days available for the license holder to fish for sea urchins.

Committee Amendment "A" (S-123)

This amendment replaces the bill and does the following.

1. It creates a temporary license fee structure for sea urchin harvesting in the area of the coast designated as Zone 1 by the Department of Marine Resources by reducing the fees for that zone from \$111 annually to \$25 annually for a handfishing sea urchin license and from \$161 annually to \$50 annually for the newly created handfishing sea urchin license with tender and repeals the reduced fee structure on December 31, 2011.
2. It authorizes the Commissioner of Marine Resources to establish safety training requirements by rule for someone engaged in sea urchin or scallop diving tender activities.
3. It creates a new category of hand fishing scallop license and handfishing sea urchin license that includes the tender activities so that a person who has completed the tender safety requirements will not need to possess a separate hand fishing scallop or sea urchin tender license to work with a harvester.
4. It repeals the language that allows a 30-day temporary sea urchin and scallop diving tender license and the language that makes it prima facie evidence of a violation of being a tender without the appropriate license when no one on board the boat being operated as a platform for scallop or sea urchin handfishing has the proper license for that activity.

Enacted Law Summary

Public Law 2009, chapter 396 does the following.