

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

July 2009

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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:

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

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

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.

**LD 294 An Act To Require the Department of Marine Resources To Enforce
Conditions in an Aquaculture Lease**

ONTP

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

LD 294 directs the Department of Marine Resources to enforce aquaculture lease conditions pursuant to its authority under law.

LD 345 An Act To Regulate the Rockweed Harvest in Cobscook Bay

**PUBLIC 283
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-225

LD 345 is a concept draft pursuant to Joint Rule 208 and proposes to regulate the rockweed harvest in Cobscook Bay.

Committee Amendment "A" (S-225)

This amendment replaces the bill, changes the title and does the following.

1. It creates a seaweed buyer license for a person who purchases more than 10 wet tons annually directly from seaweed harvesters who hold permits and allows the license holder to buy, possess, ship, transport and sell seaweed. The fee for the license is \$200 for a resident and \$500 for a nonresident. Fees collected accrue to the Seaweed Management Fund.
2. It creates a seaweed buyer's surcharge and directs the Commissioner of Marine Resources to establish the surcharge by rule, but it may not exceed \$5 per wet ton.

Joint Standing Committee on Marine Resources

3. It creates the Cobscook Bay Rockweed Management Area and requires the Commissioner of Marine Resources to identify areas within the Cobscook Bay Rockweed Management Area that are closed to the commercial harvest of rockweed including, but not limited, to areas around public and private conservation areas, state parks and federally owned lands and lobster nursery areas.
4. It directs the Commissioner of Marine Resources to identify and close to the commercial harvest of rockweed up to 30 acres within Cobscook Bay for the purpose of research.
5. It requires the Commissioner of Marine Resources to divide the Cobscook Bay Rockweed Management Area into at least 14 harvest management sectors.
6. It requires commercial harvesters to submit an annual harvest plan to harvest rockweed within the Cobscook Bay Rockweed Management Area.
7. It provides that the total biomass that may be removed from a harvest management sector within the Cobscook Bay Management Area may not exceed 17% of the harvestable biomass that is eligible to be harvested annually. The amendment provides that a report of the total biomass removed must be submitted by the harvester to the commissioner, and that after January 1, 2010 the harvester's report must be verified by a 3rd party.
8. It requires a person who harvests rockweed to make a reasonable effort to remove marine organisms harvested with the rockweed from the harvested seaweed and return those marine organisms alive back into Cobscook Bay as soon as practicable.
9. It makes violations of prohibitions related to the Cobscook Bay Management Area a Class E crime for which a fine of not less than \$1,000 must be adjudged and provides that each day a violation occurs it constitutes a separate violation.
10. It directs the commissioner to report to the Joint Standing Committee on Marine Resources by January 15, 2010 recommendations for a seaweed research plan for Cobscook Bay and on the 2009 seaweed harvest in Cobscook Bay.
11. It gives that committee the authority to submit legislation to the Second Regular Session of the 124th Legislature regarding the report.

Enacted Law Summary

Public Law 2009, chapter 283 does the following.

1. It creates a seaweed buyer license for a person who purchases more than 10 wet tons annually directly from seaweed harvesters who hold permits and allows the license holder to buy, possess, ship, transport and sell seaweed. The fee for the license is \$200 for a resident and \$500 for a nonresident. Fees collected accrue to the Seaweed Management Fund.
2. It creates a seaweed buyer's surcharge and directs the Commissioner of Marine Resources to establish the surcharge by rule, but it may not exceed \$5 per wet ton.
3. It creates the Cobscook Bay Rockweed Management Area and requires the Commissioner of Marine Resources to identify areas within the Cobscook Bay Rockweed Management Area that are closed to the commercial harvest of rockweed including, but not limited, to areas around public and private conservation areas, state parks and federally owned lands and lobster nursery areas.
4. It directs the Commissioner of Marine Resources to identify and close to the commercial harvest of rockweed up to 30 acres within Cobscook Bay for the purpose of research.

Joint Standing Committee on Marine Resources

5. It requires the Commissioner of Marine Resources to divide the Cobscook Bay Rockweed Management Area into at least 14 harvest management sectors.
6. It requires commercial harvesters to submit an annual harvest plan to harvest rockweed within the Cobscook Bay Rockweed Management Area.
7. It provides that the total biomass that may be removed from a harvest management sector within the Cobscook Bay Management Area may not exceed 17% of the harvestable biomass that is eligible to be harvested annually. Public Law 2009, chapter 283 provides that a report of the total biomass removed must be submitted by the harvester to the commissioner, and that after January 1, 2010 the harvester's report must be verified by a 3rd party.
8. It requires a person who harvests rockweed to make a reasonable effort to remove marine organisms harvested with the rockweed from the harvested seaweed and return those marine organisms alive back into Cobscook Bay as soon as practicable.
9. It makes violations of prohibitions related to the Cobscook Bay Management Area a Class E crime for which a fine of not less than \$1,000 must be adjudged and provides that each day a violation occurs it constitutes a separate violation.
10. It directs the commissioner to report to the Joint Standing Committee on Marine Resources by January 15, 2010 recommendations for a seaweed research plan for Cobscook Bay and on the 2009 seaweed harvest in Cobscook Bay.
11. It gives that committee the authority to submit legislation to the Second Regular Session of the 124th Legislature regarding the report.

Public Law 2009, chapter 283 was enacted as an emergency measure effective June 8, 2009.

LD 378 *Resolve, To Direct the Department of Marine Resources To Study the Issues Surrounding the Harvest of Bait Fish within Territorial Waters*

RESOLVE 23

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM	H-51

LD 378 prohibits using a drag to catch bait fish within the first 2 miles of territorial waters, and requires the Department of Marine Resources to adopt rules to implement this prohibition.

Committee Amendment "A" (H-51)

This amendment replaces the bill with a resolve and directs the Commissioner of Marine Resources to study the issues surrounding the harvest of bait fish within the territorial waters of the State and to report the commissioner's findings and recommendations to the Joint Standing Committee on Marine Resources by January 4, 2010. The amendment also authorizes the committee to submit legislation related to the study to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 23 directs the Commissioner of Marine Resources to study the issues surrounding the harvest of bait fish within the territorial waters of the State and to report the commissioner's findings and recommendations to the Joint Standing Committee on Marine Resources by January 4, 2010. It also authorizes that committee to submit legislation related to the study to the Second Regular Session of the 124th Legislature.