

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

July 2009

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## 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 124<sup>th</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:

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 124<sup>th</sup> 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 447      An Act To Allow the Direct Sale of Shellfish to Retailers**

**PUBLIC 217**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	H-216 H-277 PERCY

Current law does not allow the holder of a retail seafood license to buy shellstock directly from the commercial shellfish license holder that harvests the shellfish but instead must buy shellstock from a wholesale seafood license holder that purchases shellstock from the harvester. LD 447 allows a retail seafood license holder to purchase shellstock directly from the harvester.

**Committee Amendment "A" (H-216)**

This amendment replaces the bill and creates an enhanced retail seafood license that allows a holder to purchase mussels, clams, quahogs and oysters directly from the harvester. It also dedicates the revenue raised by this new license to the Department of Marine Resources to be used for annual inspections of license holders.

**House Amendment "A" To Committee Amendment "A" (H-277)**

This amendment removes the emergency preamble and clause and authorizes the holder of an enhanced retail seafood license to purchase shellstock from a wholesale seafood license holder and to purchase lobster, lobster parts and crayfish directly from the harvester.

**Enacted Law Summary**

Public Law 2009, chapter 217 creates an enhanced retail seafood license that allows a holder to purchase mussels, clams, quahogs, oysters, lobster and crayfish directly from the harvester and to purchase shellstock from a wholesale seafood license holder. It dedicates the revenue raised by this new license to the Department of Marine Resources to be used for annual inspections of license holders.

**LD 585      An Act To Protect Fishing Families by Authorizing Certain Transfers of Lobster and Crab Fishing Licenses**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY BLISS	ONTP MAJ OTP-AM MIN	

LD 585 authorizes the transfer of a Class I, Class II or Class III lobster and crab fishing license by the license holder to that person's child, grandchild or spouse under certain circumstances. The relative who is receiving the license by transfer must have completed a Department of Marine Resources' apprentice program for entry into the lobster fishery, and the license holder and the transferee must notify the department in writing of the transfer. It also adds a provision to limit a recipient of a license by transfer to 300 traps in the initial year and an increase of 100 traps each subsequent year up to the trap limit, and it requires the Department of Marine Resources to review the transfer of licenses in 3 years, and annually thereafter, and to make recommendations on whether or not to continue allowing transfers.

## *Joint Standing Committee on Marine Resources*

### **Committee Amendment "A" (H-156)**

This amendment is the minority report and limits the transfer of a Class I, Class II or Class III lobster and crab fishing license to the license holder's child. It provides that a person who would otherwise be ineligible to receive a lobster and crab fishing license may not be the recipient of a transferred lobster and crab fishing license and that a transferor may not receive any form of remuneration for the transfer. This amendment also adds a repeal date of October 1, 2012.

**LD 691      An Act To Lower the Cost of State Government in the Departments      ONTP**  
**under the Purview of the Joint Standing Committee on Marine**  
**Resources**

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

LD 691 deallocates \$54,482 in fiscal year 2009-10 and \$74,981 in fiscal year 2010-11 by eliminating a Public Service Coordinator II position.

**LD 836      An Act To Amend the Laws Governing the Scallop Season      ONTP**

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

LD 836 amends the laws governing the scallop season by:

1. Requiring that, prior to adopting or amending emergency rules that result in the closure or reduction of the scallop fishing season, the Commissioner of Marine Resources consult with the Scallop Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters; and
2. Requiring that rules adopted to limit fishing during the scallop season may not lengthen the closed season or shorten the open season, but may only limit the total number of days during the open season that may be fished.

**LD 852      An Act To Clarify the Public Ownership of Marine Organisms within      ACCEPTED ONTP**  
**the Intertidal Zone      REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	ONTP MAJ OTP-AM MIN	

LD 852 declares that the State owns and controls the harvesting of seaweed, shellfish and other marine organisms on or under lands within the intertidal zone.