

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:

<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

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.

Joint Standing Committee on Marine Resources

Committee Amendment "A" (S-130)

This committee amendment is the minority report and replaces the bill. It clarifies that the State owns and controls the living organisms within the intertidal zone.

LD 928 An Act To Permit the Landing of Draggled Crabs as Bycatch

**PUBLIC 78
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-41

LD 928 allows a person who is issued a commercial fishing license under the Maine Revised Statutes, Title 12, section 6501 to take, possess and sell crabs that have been taken as bycatch while using an otter trawl within the exclusive economic zone as shown on the most recently published Federal Government nautical chart.

Committee Amendment "A" (S-41)

This amendment adds a repeal date of June 30, 2012.

Enacted Law Summary

Public Law 2009, chapter 78 allows a person who is issued a commercial fishing license under the Maine Revised Statutes, Title 12, section 6501 to take, possess and sell crabs that have been taken as bycatch while using an otter trawl within the exclusive economic zone as shown on the most recently published Federal Government nautical chart. This law is repealed on June 30, 2012.

Public Law 2009, chapter 78 was enacted as an emergency measure effective May 4, 2009.

LD 932 An Act To Establish Area Management of Maine's Scallop Fishery

Carried Over

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

LD 932 is a concept draft pursuant to Joint Rule 208 and seeks to establish area management of the State's scallop fishery.

This bill was carried over to any special or regular session of the 124th Legislature by joint order H.P. 1053.

LD 1009 An Act To Allow Lobster License Exemptions to Persons with Certain Medical Criteria

PUBLIC 188

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM MAJ ONTP MIN	H-217