

# 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**

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**STAFF:**

CURTIS C. BENTLEY, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

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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*

Current law requires that to be eligible for a lobster license, a person must have had a lobster license in the previous year. An appeal of a denial of a license can be made to the Commissioner of Conservation if the person did not have a license in the previous year due to an illness or medical condition. LD 1009 strikes the language that requires a person to have had a license and make the appeal within one year of the onset of the illness or medical condition.

### **Committee Amendment "A" (H-217)**

This amendment allows a person that was diagnosed with muscular dystrophy between 1983 and 1988 that had harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the diagnosis but did not hold a Class I, Class II or Class III lobster and crab fishing license since the year following the diagnosis to be eligible for a medical waiver to obtain a lobster and crab fishing license and fish a maximum of 300 trap tags. Those trap tags expire when the person is no longer eligible to hold the license and could not be counted in the exit ratio system for a lobster management zone. It also provides that the provisions of this amendment are repealed October 1, 2010.

### **Enacted Law Summary**

Public Law 2009, chapter 188 allows a person that was diagnosed with muscular dystrophy between 1983 and 1988 that had harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the diagnosis but did not hold a Class I, Class II or Class III lobster and crab fishing license since the year following the diagnosis to be eligible for a medical waiver to obtain a lobster and crab fishing license and fish a maximum of 300 trap tags. It provides that those trap tags expire when the person is no longer eligible to hold the license and can not be counted in the exit ratio system for a lobster management zone. Public Law 2009, chapter 188 is repealed on October 1, 2010.

### **LD 1128     An Act To Allow Family Members of an Island Community to Share a Lobster and Crab Fishing License**

**ONTP**

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

LD 1128 allows the holder of a current Class I, Class II or Class III lobster and crab fishing license who is a permanent resident on an island not connected to the mainland by a bridge to share that license with family members who are permanent residents of the same island or another nonbridged island within the same municipality. A family member sharing the Class I, Class II or Class III lobster and crab fishing license is subject to the same privileges and restrictions as the primary license holder. It provides that for each family member sharing a Class I, Class II or Class III lobster and crab fishing license, the number of trap tags the primary license holder is eligible to receive under that license is reduced by 20%. LD 1128 also provides that, if the primary license holder is deceased or retires from commercially fishing for lobster and crab, a family member sharing the license must be named as the primary license holder or the license lapses back to the State.

### **LD 1211     An Act To Amend the Marine Resources Suspension Laws**

**PUBLIC 151**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEAVER	OTP-AM	H-142

## *Joint Standing Committee on Marine Resources*

LD 1211 amends the laws governing the notice requirements for a suspension or revocation of a marine resources license to do the following.

1. It amends the procedures for a hearing to appeal a suspension.
2. It changes the reference to a violation of the laws against molesting lobster gear to refer to an adjudication rather than a conviction, since it is now a civil offense.
3. It clarifies that an individual who has had the right to obtain a license suspended is subject to the same prohibitions as an individual who has had a license suspended.

### **Committee Amendment "A" (H-142)**

This amendment makes a technical change to clarify that the Commissioner of Marine Resources may give an opportunity for a hearing regarding a suspension or revocation.

### **Enacted Law Summary**

Public Law 2009, chapter 151 amends the laws governing the notice requirements for a suspension or revocation of a marine resources license to do the following.

1. It amends the procedures for a hearing to appeal a suspension.
2. It changes the reference to a violation of the laws against molesting lobster gear to refer to an adjudication rather than a conviction, since it is now a civil offense.
3. It clarifies that an individual who has had the right to obtain a license suspended is subject to the same prohibitions as an individual who has had a license suspended.

### **LD 1231     *An Act To Protect the Long-term Viability of Island Lobster Fishing Communities***

**PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM	H-401

LD 1231 creates a limited-entry zone programs for islands in the coastal waters with year-round communities.

### **Committee Amendment "A" (H-401)**

This committee amendment replaces the bill and does the following.

1. It provides that a year-round island community on an island in the coastal waters that is not connected to the mainland by an artificial structure may petition the Commissioner of Marine Resources for the establishment of a limited-entry program for that island if a minimum of 5 Class I, Class II or Class III lobster and crab fishing license holders who are residents on the island or 10% of the island's resident Class I, Class II or Class III lobster and crab fishing license holders, whichever is greater, signs the petition.
2. It provides that if 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders who are residents of the island voting in a referendum support the establishment of an island limited-entry program, the commissioner may adopt rules to establish such a program.