

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

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

MEMBERS:

SEN. DENNIS S. DAMON, CHAIR
SEN. NANCY B. SULLIVAN
SEN. CHRISTOPHER W. RECTOR

REP. LEILA J. PERCY, CHAIR
REP. HERBERT C. ADAMS
REP. PEGGY A. PENDLETON
REP. ROBERT N. EATON
REP. W. BRUCE MACDONALD
REP. CHARLES B. KRUGER
REP. WINDOL C. WEAVER
REP. JONATHAN B. MCKANE
REP. KERRI L. PRESCOTT
REP. DIANNE TILTON

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

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.

Joint Standing Committee on Marine Resources

3. It requires that before establishing or amending the number of licenses available to island residents, the commissioner must determine the number of licenses preferred by 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders who are residents on the island but retains the discretion to accept or reject that preference.
4. It requires the commissioner to consult with the applicable lobster management policy council before making a decision on the number of licenses to be made available.
5. It authorizes the commissioner to adopt rules to implement the program to define residency and to provide exceptions to the island residency requirement for temporary absences from an island for medical or educational purposes and to allow, when appropriate, for an increase in the number of licenses available to an island community over time.
6. It provides that a person who obtains a Class I, Class II or Class III lobster and crab fishing license through an island limited-entry program and was a resident of the island for at least 8 years and harvested lobsters for each of those years and who no longer wishes to maintain residency on that island may fish elsewhere in the lobster management zone in which the island is located without having to go on the waiting list.

Enacted Law Summary

Public Law 2009, chapter 294 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.
3. It requires that before establishing or amending the number of licenses available to island residents, the commissioner must determine the number of licenses preferred by 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders who are residents on the island but retains the discretion to accept or reject that preference.
4. It requires the commissioner to consult with the applicable lobster management policy council before making a decision on the number of licenses to be made available.
5. It authorizes the commissioner to adopt rules to implement the program to define residency and to provide exceptions to the island residency requirement for temporary absences from an island for medical or educational purposes and to allow, when appropriate, for an increase in the number of licenses available to an island community over time.
6. It provides that a person who obtains a Class I, Class II or Class III lobster and crab fishing license through an island limited-entry program and was a resident of the island for at least 8 years and harvested lobsters for each of those years and who no longer wishes to maintain residency on that island may fish elsewhere in the lobster management zone in which the island is located without having to go on the waiting list.