

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

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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

LD 1331 An Act Regarding Saltwater Recreational Fishing

Carried Over

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

LD 1331 establishes a saltwater recreational fishing license, dedicates the fees from licensing to the Marine Recreation Fishing Conservation and Management Fund and gives the Commissioner of Marine Resources authority to make expenditures from the fund for purposes such as fisheries management research and education and outreach. The bill also removes the exemptions from the commercial license requirements for certain methods of fishing for personal use. LD 1331 establishes the Marine Recreational Fisheries and Habitat Advisory Council and repeals the Marine Recreational Fishing Advisory Council and the Sea Run Fisheries and Habitat Advisory Council.

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

LD 1398 An Act To Amend the Aquaculture Laws

PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EATON	OTP-AM MAJ OTP-AM MIN	H-278

LD 1398 makes the following changes to Maine's aquaculture statutes.

1. Currently, aquaculture leases that are terminated or revoked are permanently lost and there is no option for a new lessee to continue under the same terms and conditions. This bill creates a mechanism for the Commissioner of Marine Resources to solicit proposals for continued operations at the site for the remainder of the original lease term and under the same terms and conditions and to choose the most suitable proposal. A 2-week public comment period is provided, and fees, not to exceed \$5,000, are set in rule.
2. It shortens the public comment period for transfer applications and removes the option of a hearing. The application fee is eliminated and a fee for transferring the lease is created in the case of a successful application.
3. It increases the limit on the size of an experimental lease from 2 acres to 4 acres.
4. It eliminates the prohibition on limited-purpose aquaculture licenses in intertidal waters as long as permission of the landowner is obtained and creates a nonresident limited-purpose aquaculture license. It establishes a \$300 annual fee for nonresident limited-purpose aquaculture license.
5. It allows a person to possess cultured marine organisms that do not meet the size or season requirements that wild product must meet. Appropriate documentation must be maintained and made available upon request of the Department of Marine Resources.
6. It eliminates a duplicative notice requirement regarding an aquaculture facility's use of antibiotics.
7. It creates a mechanism to assign lease options, which allow the holder to have first priority in applying for a lease

Joint Standing Committee on Marine Resources

in a particular location. Some other coastal users such as local fishermen or adjacent landowners would still be able to claim preference under the law and nullify the option, but the option would prevent other potential applicants that are not specifically given priority in law from moving forward with a lease application in the area until the option has expired. The department must assess whether the application for the option is in good faith and whether it will likely result in an aquaculture application in the area. Fees are charged per acre and are capped at \$500 for the first acre and \$50 for each additional acre.

8. It authorizes the commissioner to refuse to issue or renew a marine resources license, such as a fishing or wholesale license, to the holder of an aquaculture lease or license who has not paid legally required fees.

9. It authorizes the commissioner to require a license for the land-based culture of marine organisms and allows the commissioner to set the fee at not more than \$1,000.

10. It authorizes the department to remove and sell abandoned aquaculture gear or stock after the lease or license holder and anyone who has previously claimed ownership of the gear or stock has been notified and has failed to remove the gear or stock.

11. It authorizes marine patrol officers to inspect aquaculture leases and associated vehicles, watercraft and buildings, except for residences.

12. It allows municipalities that choose to issue aquaculture permits to charge an application fee that reflects their costs. LD 1398 also clarifies the total acreage allowed under all permits in a municipality, requires municipalities to adopt ordinances to prevent speculative holding of permits, updates the maximum rental fee to match the department's lease fee and clarifies that it is an annual rental fee and requires municipalities to submit an annual report to the department.

13. It adds aquaculture lease and license holders to the group of persons that the department may authorize to take green crabs without a commercial license.

Committee Amendment "A" (H-278)

This amendment incorporates a fiscal note.

Committee Amendment "B" (H-279)

This amendment is the minority report and removes the provision from the bill that authorizes the Commissioner of Marine Resources to refuse to renew or issue a license or permit to the holder of an aquaculture lease that fails to pay related fees or charges. It also provides that any proceeds that are left over from the sale of abandoned equipment or stock after all debts are paid must be sent to the owner of the abandoned equipment or stock or that person's heirs.

Enacted Law Summary

Public Law 2009, chapter 229 makes the following changes to Maine's aquaculture laws.

1. Currently, aquaculture leases that are terminated or revoked are permanently lost and there is no option for a new lessee to continue under the same terms and conditions. This law creates a mechanism for the Commissioner of Marine Resources to solicit proposals for continued operations at the site for the remainder of the original lease term and under the same terms and conditions and to choose the most suitable proposal. A 2-week public comment period is provided, and fees, not to exceed \$5,000, are set in rule.

2. It shortens the public comment period for transfer applications and removes the option of a hearing. The application fee is eliminated and a fee for transferring the lease is created in the case of a successful application.

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3. It increases the limit on the size of an experimental lease from 2 acres to 4 acres.
4. It eliminates the prohibition on limited-purpose aquaculture licenses in intertidal waters as long as permission of the landowner is obtained and creates a nonresident limited-purpose aquaculture license. It establishes a \$300 annual fee for nonresident limited-purpose aquaculture license.
5. It allows a person to possess cultured marine organisms that do not meet the size or season requirements that wild product must meet. Appropriate documentation must be maintained and made available upon request of the Department of Marine Resources.
6. It eliminates a duplicative notice requirement regarding an aquaculture facility's use of antibiotics.
7. It creates a mechanism to assign lease options, which allow the holder to have first priority in applying for a lease in a particular location. Some other coastal users such as local fishermen or adjacent landowners are still be able to claim preference under the law and nullify the option, but the option prevents other potential applicants that are not specifically given priority in law from moving forward with a lease application in the area until the option has expired. The department must assess whether the application for the option is in good faith and whether it will likely result in an aquaculture application in the area. Fees are charged per acre and are capped at \$500 for the first acre and \$50 for each additional acre.
8. It authorizes the commissioner to refuse to issue or renew a marine resources license, such as a fishing or wholesale license, to the holder of an aquaculture lease or license who has not paid legally required fees.
9. It authorizes the commissioner to require a license for the land-based culture of marine organisms and allows the commissioner to set the fee at not more than \$1,000.
10. It authorizes the department to remove and sell abandoned aquaculture gear or stock after the lease or license holder and anyone who has previously claimed ownership of the gear or stock has been notified and has failed to remove the gear or stock.
11. It authorizes marine patrol officers to inspect aquaculture leases and associated vehicles, watercraft and buildings, except for residences.
12. It allows municipalities that choose to issue aquaculture permits to charge an application fee that reflects their costs. Public Law 2009, chapter 229 clarifies the total acreage allowed under all permits in a municipality, requires municipalities to adopt ordinances to prevent speculative holding of permits, updates the maximum rental fee to match the department's lease fee and clarifies that it is an annual rental fee and requires municipalities to submit an annual report to the department.
13. It adds aquaculture lease and license holders to the group of persons that the department may authorize to take green crabs without a commercial license.

LD 1432 An Act To Create a Saltwater Recreational Fishing Registry

Carried Over

Sponsor(s)

TRAHAN

Committee Report

Amendments Adopted