

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second 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

**MEMBERS:**

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
SECOND 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 Second 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:

<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 HOUSES</i> .....	<i>House &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. 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 932      An Act To Establish Area Management of Maine's Scallop Fishery**

**ONTP**

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

LD 932 was carried over from the First Regular session. It is a concept draft pursuant to Joint Rule 208 and seeks to establish area management of the State's scallop fishery.

**LD 1331      An Act Regarding Saltwater Recreational Fishing**

**ONTP**

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

LD 1331 was carried over from the First Regular Session. The bill establishes a saltwater recreational fishing license, dedicate 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.

**LD 1432      An Act To Create a Saltwater Recreational Fishing Registry**

**PUBLIC 559**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM   MAJ ONTP   MIN	S-464 S-479   BRYANT B

LD 1432 was carried over from the First Regular Session. The bill creates a saltwater recreational fishing registry to register persons engaged in saltwater recreational fishing that would be administered by the Department of Inland Fisheries and Wildlife through the department's existing licensing program. It directs the Commissioner of Inland Fisheries and Wildlife to negotiate a memorandum of agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration to exempt the State from the federal registry if the State submits data from the saltwater recreational fishing registry proposed in this bill. LD 1432 also deappropriates \$12,000 from the Department of Marine Resources recreational fishing program to fund the saltwater recreational fishing registry.

**Committee Amendment "C" (S-464)**

LD 1432 was recommitted to the Joint Standing Committee on Marine Resources. This committee amendment replaces the bill and:

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1. Creates a saltwater recreational fishing registry administered by the Department of Marine Resources to register persons engaged in saltwater recreational fishing;
2. Creates a striped bass endorsement and a commercial operator's license and require that individuals fishing for striped bass obtain an endorsement and captains of vessels licensed to carry passengers for hire for saltwater recreational fishing obtain a commercial operator's license;
3. Sets the striped bass endorsement fees for residents at \$5 and nonresidents at \$15 and creates a \$10 resident lifetime striped bass endorsement for a person 70 years of age or older. It also sets the fee for a commercial operator's license at \$50;
4. Directs that revenue raised from the striped bass endorsement and commercial operator's license be deposited in the Marine Recreation Fishing Conservation and Management Fund;
5. Directs clerks or other agents appointed by the Commissioner of Marine Resources to register people on the saltwater recreational fishing registry, issue striped bass endorsements or issue commercial operator's licenses to charge a fee of \$2 for each person registered, issued a striped bass endorsement or issued a commercial operator's license. It also requires the commissioner to charge a fee of \$1 for each registration taken, endorsement issued or commercial operator's license provided by department employees;
6. Makes a violation of the registration, endorsement or license requirements a civil violation for which a fine of not less than \$100 may be adjudged;
7. Provides that a person on the registry or who holds a striped bass endorsement or a license issued under this amendment would be subject to the applicable suspension provisions under marine resources laws;
8. Provides that members of a federally recognized Indian tribe in Maine recreationally fishing in salt water must register annually free of charge;
9. Provides an exemption to the registration and striped bass endorsement requirements for a person under 16 years of age, a person with a disability, a passenger on board a vessel captained by an individual who holds a commercial operator's license, a person renting a smelt fishing camp from a commercial operator that holds a commercial operator's license, a disabled veteran and a resident fishing on July 4th, Labor Day weekend or Memorial Day weekend;
10. Provides that a person holding a valid New Hampshire saltwater recreational fishing license may fish in salt water in the area from Maine's southern border to Cape Neddick;
11. Directs the commissioner to work with fishing and hunting groups and other interested parties to notify and educate the public about the saltwater recreational fishing registry;
12. Requires the commissioner to report registry information to the United States Department of Commerce, National Oceanic and Atmospheric Administration in a form and manner as required by the National Oceanic and Atmospheric Administration; and
13. Sets an effective date of January 1, 2011.

### **Senate Amendment "C" To Committee Amendment "C" (S-479)**

This amendment exempts a person from the saltwater recreational fishing registry if that person indicates on a valid fishing license that that person engaged in saltwater recreational fishing during the prior year or plans to engage in saltwater recreational fishing during the period covered by the license and exempts a resident of the State who

## *Joint Standing Committee on Marine Resources*

makes that indication from having to obtain a striped bass endorsement. It also direct the Department of Inland Fisheries and Wildlife to provide this data to the federal or state agency responsible for monitoring saltwater recreational fishing at a time and manner as determined by that agency.

### **Enacted Law Summary**

Public Law 2009, chapter 559 does the following:

1. It creates a saltwater recreational fishing registry administered by the Department of Marine Resources to register persons engaged in saltwater recreational fishing;
2. It creates a striped bass endorsement and a commercial operator's license and requires that individuals fishing for striped bass obtain an endorsement and captains of vessels licensed to carry passengers for hire for saltwater recreational fishing obtain a commercial operator's license;
3. It sets the striped bass endorsement fees for residents at \$5 and nonresidents at \$15 and creates a \$10 resident lifetime striped bass endorsement for a person 70 years of age or older. It sets the fee for a commercial operator's license at \$50;
4. It exempts a person from the saltwater recreational fishing registry if that person indicates on a valid fishing license that that person engaged in saltwater recreational fishing during the prior year or plans to engage in saltwater recreational fishing during the period covered by the license. It also exempts a resident of the State who makes that indication from having to obtain a striped bass endorsement;
5. It provides an exemption to the registration and striped bass endorsement requirements for a person under 16 years of age, a person with a disability, a passenger on board a vessel captained by an individual who holds a commercial operator's license, a person renting a smelt fishing camp from a commercial operator that holds a commercial operator's license, a disabled veteran and a resident fishing on July 4th, Labor Day weekend or Memorial Day weekend;
6. It provides that members of a federally recognized Indian tribe in Maine recreationally fishing in saltwater must register annually free of charge;
7. It provides that a person holding a valid New Hampshire saltwater recreational fishing license may fish in saltwater in the area from Maine's southern border to Cape Neddick;
8. It directs that the revenue raised from the striped bass endorsement and commercial operator's license be deposited in the Marine Recreation Fishing Conservation and Management Fund;
9. It requires clerks or other agents appointed by the Commissioner of Marine Resources to register people on the saltwater recreational fishing registry, issue striped bass endorsements or issue commercial operator's licenses to charge a fee of \$2 for each person registered, issued a striped bass endorsement or issued a commercial operator's license. It also requires the commissioner to charge a fee of \$1 for each registration taken, endorsement issued or commercial operator's license provided by department employees;
10. It makes a violation of the registration, endorsement or license requirements a civil violation for which a fine of not less than \$100 may be adjudged;
11. It provides that a person on the registry or who holds a striped bass endorsement is subject to the applicable suspension provisions under marine resources laws;
12. It directs the commissioner to work with fishing and hunting groups and other interested parties to notify and educate the public about the saltwater recreational fishing registry;

## *Joint Standing Committee on Marine Resources*

13. It requires the commissioner to report registry information to the United States Department of Commerce, National Oceanic and Atmospheric Administration in a form and manner as required by the National Oceanic and Atmospheric Administration; and

14. It becomes effective on January 1, 2011.

### **LD 1560     An Act To Eliminate the 3-trap Limit in the Waters of the State**

**PUBLIC 499**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-367

LD 1560 eliminates the limit in current law of 3 lobster traps per trawl in the waters off Hancock County.

#### **Committee Amendment "A" (S-367)**

This amendment eliminates the 3-trap limit in current law and adds an effective date of January 1, 2011.

#### **Enacted Law Summary**

Public Law 2009 chapter 499 eliminates the 3-trap limit in current law and becomes effective on January 1, 2011.

### **LD 1567     An Act To Correct Errors and Inconsistencies in Marine Resources Laws**

**PUBLIC 561**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY DAMON	OTP-AM	H-707

LD 1567 makes the following changes to the laws governing marine resources.

1. It amends the timing of issuance and renewal of the seaweed buyer's license, the enhanced retail seafood license and the wholesale shellfish harvester's license to expire on March 31st of each year making them consistent with other dealer licenses.
2. It adds the enhanced retail seafood license to the list of shellfish dealers who must allow access to their facilities for shellfish inspection.
3. It removes a conflict in the law regarding suspension and revocation of a lobster and crab fishing license created when two bills amending the same section were passed in 2009 (PL 2009, c 394, §3 and PL 2009, c 151 §5). The bill would incorporate both changes made by those two laws.
4. It makes a suspension of license laws for failure to appear, answer, pay or failure to comply with court order for support consistent.
5. It provides that a person's ability to obtain a license is suspended if that person fails to pay state tax obligations.