

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second 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
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 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 HOUSES</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 Second Regular Session of the 124th 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.

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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.

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6. It amends the "molesting lobster gear" statute to extend the "restitution" provision to persons other than those who hold a lobster and crab fishing license.
7. It allocates \$20 of each Class II lobster and crab fishing license for persons over 70 years of age to the Lobster Fund.
8. It increases the amount of money that must accrue to the General Fund for each eel harvesting license from \$33 to \$50.
9. It removes the prohibition against the commissioner to issue a sea urchin and scallop diving tender license or to allow a person to act as a tender without meeting certain requirements to making it illegal for a person to act as a tender without meeting those requirements.
10. It repeals and replaces the sea urchin and scallop diving tender license section and provide that as long as one person is present on a boat used as a platform for harvesting sea urchins and scallops by hand has met the tender safety requirements, all other persons present on the boat may operate the boat and handle the harvested product. It also sets the fee for a sea urchin and scallop diving tender license at \$133 to resolve an existing conflict in the law.
11. It repeals and replaces the scallop license handfishing sea urchin license section of the law and clarify that a person acting as a tender to an individual possessing an individual hand fishing scallop license must also possess a scallop or sea urchin tender license. It also provides that an unlicensed person that has met the required safety standards for a tender acting as a tender for an individual with a hand fishing scallop license with tender may possess, ship, transport and sell shucked scallops taken by the license holder. It increases the fee for a handfishing scallop license with tender from \$161 to \$193.
12. It makes a technical correction to a license name.
13. It adds a \$40 surcharge to the hand fishing scallop license with tender.
14. It provides that the surcharge collected for a sea urchin and scallop diving tender license is split equally between the Scallop Research Fund and the Sea Urchin Research Fund.
15. It repeals and replaces the handfishing sea urchin license section of law and provides that a person acting as tender to an individual possessing a individual handfishing sea urchin licenses must also possess a sea urchin and scallop diving tender license. It also increases the fee for a handfishing sea urchin license with tender from \$161 to \$202.
16. It adds a \$60 surcharge on a handfishing sea urchin license with tender.
17. It provides that a person who purchases dry seaweed in an amount that is equivalent to 10 wet tons or more must purchase a seaweed buyer's license.

Committee Amendment "A" (H-707)

This amendment makes the following changes to the bill.

1. It eliminates the Atlantic Salmon Commission and the per diem reimbursement for commission members. The funding for the commission was eliminated in Public Law 2009, chapter 462.
2. It removes references to a person's "right" to obtain a license regarding suspensions for failure to pay taxes, comply with support orders or appear in court and replaces them with "eligibility to obtain or hold."
3. It corrects the proposed allocation of \$20 to \$10 from each Class II lobster and crab fishing license for persons

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over 70 years of age to the Lobster Fund.

4. It clarifies that it is prima facie evidence of possessing illegal scallops if a person licensed under the scallop laws is shucking scallops when the vessel has scallops onboard under the minimum size restriction.

5. It changes the license surcharge for a hand fishing scallop license with tender from \$40 to \$100 to correct a conflict created during the First Regular Session of the 124th Legislature.

6. It provides that the Commissioner of Marine Resources may not open a shellfish area that has been reclassified from a prohibited to a restricted classification after January 1, 2010 to depuration harvesting without the approval of the affected municipality. If a municipality fails to document to the commissioner within 4 weeks of the reclassification that it intends to take significant measures to be incorporated into its pollution abatement plan or if the municipality indicates it will not develop a pollution abatement plan, the commissioner may open that area to depuration harvesting without the consent of the municipality. A municipality needs to report its progress on the pollution abatement plan every 6 months.

7. It authorizes a wholesale seafood license with shrimp permit holder to process shrimp.

8. It makes a number of technical changes to existing statutes.

Enacted Law Summary

Public Law 2009, chapter 561 does the following:

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). Public Law 2009, chapter 561 incorporates 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;
6. It amends the "molesting lobster gear" statute to extend the "restitution" provision to persons other than those who hold a lobster and crab fishing license;
7. It allocates \$10 of each Class II lobster and crab fishing license for persons over 70 years of age to the Lobster Fund;
8. It increases the amount of money that must accrue to the General Fund for each eel harvesting license from \$33 to \$50;
9. It removes the prohibition against the commissioner to issue a sea urchin and scallop diving tender license or to allow a person to act as a tender without meeting certain requirements to making it illegal for a person to act as a tender without meeting those requirements;

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10. It repeals and replaces the sea urchin and scallop diving tender license section and provides that as long as one person is present on a boat used as a platform for harvesting sea urchins and scallops by hand has met the tender safety requirements, all other persons present on the boat may operate the boat and handle the harvested product. It sets the fee for a sea urchin and scallop diving tender license at \$133 to resolve an existing conflict in the law.

11. It repeals and replaces the scallop license handfishing sea urchin license section of the law and clarifies that a person acting as a tender to an individual possessing an individual hand fishing scallop license must also possess a scallop or sea urchin tender license. It provides that an unlicensed person that has met the required safety standards for a tender acting as a tender for an individual with a hand fishing scallop license with tender may possess, ship, transport and sell shucked scallops taken by the license holder. It increases the fee for a handfishing scallop license with tender from \$161 to \$193;

12. It adds a \$100 surcharge to the hand fishing scallop license with tender;

13. It provides that the surcharge collected for a sea urchin and scallop diving tender license is split equally between the Scallop Research Fund and the Sea Urchin Research Fund;

14. It repeals and replaces the handfishing sea urchin license section of law and provides that a person acting as a tender to an individual possessing an individual handfishing sea urchin licenses must also possess a sea urchin and scallop diving tender license. It increases the fee for a handfishing sea urchin license with tender from \$161 to \$202;

15. It adds a \$60 surcharge on a handfishing sea urchin license with tender;

16. It provides that a person who purchases dry seaweed in an amount that is equivalent to 10 dry tons or more must purchase a seaweed buyer's license;

17. It eliminates the Atlantic Salmon Commission and the per diem reimbursement for commission members. The funding for the commission was eliminated in Public Law 2009, chapter 462;

18. It clarifies that it is prima facie evidence of possessing illegal scallops if a person licensed under the scallop laws is shucking scallops when the vessel has scallops onboard under the minimum size restriction;

19. It provides that the Commissioner of Marine Resources may not open a shellfish area that has been reclassified from a prohibited to a restricted classification after January 1, 2010 to depuration harvesting without the approval of the affected municipality. If a municipality fails to document to the commissioner within 4 weeks of the reclassification that it intends to take significant measures to be incorporated into its pollution abatement plan or if the municipality indicates it will not develop a pollution abatement plan, the commissioner may open that area to depuration harvesting without the consent of the municipality. A municipality would need to report its progress on the pollution abatement plan every 6 months; and

20. It authorizes a wholesale seafood license with shrimp permit holder to process shrimp.

LD 1584 An Act To Require That Marine Resources Dealers Purchase Only from Licensed Harvesters

PUBLIC 478

Sponsor(s)

EATON

Committee Report

OTP

Amendments Adopted