

# 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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# 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 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*

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

## *Joint Standing Committee on Marine Resources*

This bill creates a requirement that seafood and marine worm dealers, when buying directly from a harvester, purchase marine organisms only from a properly licensed person. It also creates a requirement for harvesters, upon a dealer's request, to show their licenses to the dealer.

### **Enacted Law Summary**

Public Law 2009, chapter 478 requires that seafood and marine worm dealers, when buying directly from a harvester, purchase marine organisms only from a properly licensed person. It also requires harvesters, upon a dealer's request, to show their licenses to the dealer.

### **LD 1593     An Act To Amend the Lobster Meat Laws and Expand Economic Opportunity for Maine's Lobster Industry**

**PUBLIC 523  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM	H-643

LD 1593 implements some of the recommendations of the Governor's Task Force on the Economic Sustainability of Maine's Lobster Industry. It changes existing laws governing the handling of lobster parts and tails in order to improve the markets for the lobster industry. It eliminates the lobster tail permit and fee and create a new lobster processor license to allow for increased market flexibility through the rule-making process.

### **Committee Amendment "A" (H-643)**

This amendment caps the fee the Department of Marine Resources can set for the lobster processor license by rule at \$750 and to change the effective date of the bill from April 1, 2010 to July 1, 2010.

### **Enacted Law Summary**

Public law 2009, chapter 523 implements some of the recommendations of the Governor's Task Force on the Economic Sustainability of Maine's Lobster Industry. It eliminates the lobster tail permit and fee and creates a new annual lobster processor license that authorizes the activities allowed under the lobster tail permit but also allows the holder to process lobsters and lobster meat in accordance with rules adopted by the commissioner. A person must have a wholesale seafood license with a lobster permit and the lobster processor license to conduct the activities authorized by the processor license. It also authorizes the commissioner to set the fee for the lobster processor license by rule.

Public Law 2009, chapter 523 authorizes the commissioner to grant waivers for specific lobster products not addressed in rules that are produced by holders of the lobster processor license. It also exempts hotels or restaurants from the license if the meat is removed within the establishment for serving on the premise as is currently provided under the lobster meat permit. It caps the fee the Department of Marine Resources can set for the lobster processor license by rule at \$750 and to change.

Public Law 2009, chapter 523 was enacted as an emergency measure effective on July 1, 2010.