

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.

Joint Standing Committee on Marine Resources

LD 1604 An Act To Clarify the Marine Resources Laws To Provide for the Protection of Public Safety and Welfare

PUBLIC 528

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-385

LD 1604 clarifies that the Commissioner of Marine Resources has the regulatory authority to close an area to fishing should it be necessary to protect the public safety and welfare.

Committee Amendment "A" (S-385)

This amendment consolidates the existing rule-making authority of the Commissioner of Marine Resources with regard to gear conflicts, public health and the provisions proposed in the bill regarding the protection of public safety. It also authorizes the commissioner to adopt emergency rules to prevent property damage and provide that the commissioner must hold a public meeting within 48 hours of adopting an emergency rule regarding the protection of public safety or the protection of property. The amendment provides that the public meeting is not a public hearing for purposes of the Maine Administrative Procedure Act.

Enacted Law Summary

Public Law 2009, chapter 528 provides that the Commissioner of Marine Resources has the regulatory authority to close an area to fishing should it be necessary to protect the public safety and welfare. It also consolidates the existing rule-making authority of the commissioner with regard to gear conflicts, public health and the protection of public safety. Public Law 2009, chapter 528 authorizes the commissioner to adopt emergency rules to prevent property damage and provides that the commissioner must hold a public meeting within 48 hours of adopting an emergency rule regarding the protection of public safety or the protection of property. It also provides that the public meeting is not a public hearing for purposes of the Maine Administrative Procedure Act.

LD 1724 An Act To Create a Commercial Pelagic and Anadromous Fishing License and Establish the Pelagic and Anadromous Fisheries Fund

PUBLIC 527

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-393

LD 1724 creates a new license for commercial pelagic and anadromous fishing and a new dedicated fund to provide the revenue needed to conduct research related to pelagic and anadromous fisheries management and to gather fisheries landings information relative to the harvest of pelagic fish and anadromous fish. It also allows the licensing fund to be used for research and development programs that address restoration, development and conservation of pelagic and anadromous fish resources.

Committee Amendment "A" (S-393)

This amendment authorizes the Commissioner of Marine Resources to determine by rule what crew members may fish under a commercial pelagic and anadromous fishing license that provides for crew members. It also amend the fees for a commercial pelagic and anadromous fishing license to reflect fee changes in other commercial finfish fishing licenses made last year. The amendment reduces the surcharge on a commercial pelagic and anadromous fishing license for resident operators without crew members from \$150 to \$50 and increases the amount for residents

Joint Standing Committee on Marine Resources

with crew members from \$100 to \$200 and for nonresidents with crew members from \$100 to \$400.

Enacted Law Summary

Public Law 2009, chapter 527 creates a new license for commercial pelagic and anadromous fishing and a new dedicated fund to provide the revenue needed to conduct research related to pelagic and anadromous fisheries management and to gather fisheries landings information relative to the harvest of pelagic fish and anadromous fish. It allows the licensing fund to be used for research and development programs that address restoration, development and conservation of pelagic and anadromous fish resources.

Public Law 2009, chapter 527 authorize the Commissioner of Marine Resources to determine by rule what crew members may fish under a commercial pelagic and anadromous fishing license that provides for crew members. It amends the fees for a commercial pelagic and anadromous fishing license to reflect fee changes in other commercial finfish fishing licenses made last year. It sets the surcharge on a commercial pelagic and anadromous fishing license for resident operators without crew members at \$50 and residents with crew members at \$200 and for nonresidents with crew members at \$400.