

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

July 2011

**MEMBERS:**

SEN. LOIS A. SNOWE MELLO, CHAIR  
SEN. BRIAN D. LANGLEY  
SEN. NANCY B. SULLIVAN

REP. WINDOL C. WEAVER, CHAIR  
REP. DIANNE C. TILTON  
REP. JANE S. KNAPP  
REP. KIMBERLY N. OLSEN  
REP. WAYNE R. PARRY  
REP. W. BRUCE MACDONALD  
REP. CHARLES B. KRUGER  
REP. DEVIN M. BELIVEAU  
REP. RALPH CHAPMAN  
REP. WALTER A. KUMIEGA III

**STAFF:**

ALYSON MAYO, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

**Joint Standing Committee on Marine Resources**

**LD 110      An Act To Support Large-scale Marketing and Research and  
Development for Bulk Sales of Maine Seafood Worldwide**

**ONTP**

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

This bill makes a one-time General Fund appropriation in fiscal year 2011-12 for large-scale marketing of Maine seafood and for research and development for seafood production and processing to increase bulk sales of Maine seafood worldwide.

**LD 210      An Act Regarding the Saltwater Recreational Fishing Registry**

**PUBLIC 421  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-136 S-147 SNOWE-MELLO S-343 ROSEN R

LD 210 repeals the laws that established the current saltwater recreational fishing registry and the Marine Recreation Fishing Conservation and Management Fund and does the following.

1. It establishes a saltwater recreational fishing registry under the jurisdiction of the Department of Inland Fisheries and Wildlife.
2. It directs the Commissioner of Inland Fisheries and Wildlife to establish a registry system that allows a person to register online, through an agent or in conjunction with the purchase of a freshwater fishing license.
3. It provides that a fee or online system fee, and in most cases an agent fee, may not be charged to a person registering on the registry.
4. It requires the Commissioner of Inland Fisheries and Wildlife to administer the saltwater recreational fishing registry within the department's existing resources and provides that the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources may not expand enforcement activities regarding the registry beyond existing department resources unless federal funding is secured to cover the costs of those expanded enforcement operations.

**Committee Amendment "A" (S-136)**

The amendment makes the following changes to LD 210.

1. It places the saltwater recreational fishing registry under the jurisdiction of the Department of Marine Resources instead of the Department of Inland Fisheries and Wildlife;
2. It removes the exemption from paying an agent fee for registering for a disabled veteran; a person who is physically or mentally incapacitated; and a resident fishing on July 4th, Memorial Day weekend or Labor Day

## *Joint Standing Committee on Marine Resources*

weekend;

3. It increases by \$1 the fee an agent may charge to a person registering through a Department of Inland Fisheries and Wildlife agent if the only transaction conducted by that person is registering. It also allows a \$1 agent fee to be charged to a person registering online or at the department;

4. It requires a person who engages in saltwater recreational fishing in the coastal waters of the State to register on the registry, unless the person is exempt;

5. It provides a free recreational fishing operator's license for the following: a captain of a vessel licensed to carry passengers for hire for saltwater recreational fishing; an operator of a smelt fishing camp; an owner of a dock, pier or wharf available to customers for recreational fishing; and an individual who possesses a current guide license for tidewater fishing. A passenger on board a licensed vessel, a person who rents a licensed smelt fishing camp, a person who employs a licensed guide and a person who fishes from a licensed dock, pier or wharf are exempt from registering on the registry and paying agent fees;

6. Members of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs are exempt from registering and paying agent fees if their tribes collect registry data and submit the data to the Commissioner of Marine Resources;

7. A person registered in an exempted state or registered on the National Saltwater Angler Registry through the United States Department of Commerce, National Oceanic and Atmospheric Administration is exempt from registering in Maine;

8. A person who has indicated on a valid freshwater fishing license whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register. The Department of Inland Fisheries and Wildlife is required to provide registry data on these persons to the Department of Marine Resources;

9. A person who has indicated on a valid commercial fishing license whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register. The Department of Marine Resources is required to collect data on these persons;

10. It continues to provide for a fine of not less than \$100 and removes the provision that a person who violates registration requirements 3 or more times within the previous 5 years commits a Class E crime;

11. It provides that the registration expires on December 31st of the year in which it was issued; if federal requirements allow, the commissioner is allowed to extend the period of time for which a registration is valid;

12. It provides that a person can register through a Department of Inland Fisheries and Wildlife agent, through a publicly accessible online electronic system operated by the Department of Marine Resources or at the Department of Marine Resources; and

13. It adds an appropriations and allocations section.

### **Senate Amendment "B" To Committee Amendment "A" (S-147)**

This amendment restores the exemption in current law that allows a resident to fish on July 4th, Memorial Day weekend or Labor Day weekend without registering on the saltwater recreational fishing registry.

### **Senate Amendment "C" To Committee Amendment "A" (S-343)**

This amendment removes appropriations to the Department of Inland Fisheries and Wildlife and the Department of Marine Resources for fiscal years 2010-11 and 2011-12 for costs of implementing changes to the saltwater recreational fishing registry. The bill remains an emergency.

## *Joint Standing Committee on Marine Resources*

### **Enacted Law Summary**

Public Law 2011, chapter 421 does the following.

1. It maintains the saltwater recreational fishing registry under the jurisdiction of the Department of Marine Resources;
2. It provides that a person can register through a Department of Inland Fisheries and Wildlife agent, through a publicly accessible online electronic system operated by the Department of Marine Resources or at the Department of Marine Resources and makes minor changes to the agent fee;
3. It removes the striped bass endorsement and associated fee;
4. It removes the exemption from registering for a disabled veteran and for a person who is physically or mentally incapacitated;
5. It maintains the requirement that a person who engages in saltwater recreational fishing in the coastal waters of the State to register on the registry, unless the person is exempt;
6. It provides a free recreational fishing operator's license for the following: a captain of a vessel licensed to carry passengers for hire for saltwater recreational fishing; an operator of a smelt fishing camp; an owner of a dock, pier or wharf available to customers for recreational fishing; and an individual who possesses a current guide license for tidewater fishing. A passenger on board a licensed vessel, a person who rents a licensed smelt fishing camp, a person who employs a licensed guide and a person who fishes from a licensed dock, pier or wharf are exempt from registering on the registry and paying agent fees;
7. Instead of registering with the Commissioner of the Department of Marine Resources, members of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs are exempt from registering and paying agent fees if their tribes collect registry data and submit the data to the Commissioner of Marine Resources;
8. A person registered in an exempted state or registered on the National Saltwater Angler Registry through the United States Department of Commerce, National Oceanic and Atmospheric Administration is exempt from registering in Maine;
9. A person who has indicated on a valid freshwater fishing license whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register. The Department of Inland Fisheries and Wildlife is required to provide registry data on these persons to the Department of Marine Resources;
10. A person who has indicated on a valid commercial fishing license whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register. The Department of Marine Resources is required to collect data on these persons;
11. It continues to provide for a fine of not less than \$100 and removes the provision that a person who violates registration requirements 3 or more times within the previous 5 years commits a Class E crime;
12. It provides that the registration expires on December 31st of the year in which it was issued; if federal requirements allow, the commissioner is allowed to extend the period of time for which a registration is valid; and
13. Appropriations for costs of implementing changes to the saltwater recreational fishing registry begin in fiscal year 2012-2013.

**Joint Standing Committee on Marine Resources**

Public Law 2011, chapter 421 was enacted as an emergency measure effective July 6, 2011.

**LD 244      Resolve, Directing the Department of Marine Resources To Extend the Carrier Vessel Size Limit in the Menhaden Pilot Program      ONTP**

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

LD 244 directs the Department of Marine Resources to amend its rules for the menhaden pilot program to expand the carrier vessel size from 90 feet to 120 feet.

**LD 307      An Act To Encourage Lobstering Traditions and Facilitate Retirement from Lobstering      MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK	ONTP MAJ OTP MIN	

LD 307 authorizes the transfer of a Class I, Class II or Class III lobster and crab fishing license by the license holder to that person's child under certain circumstances. The child who is receiving the license by transfer must have lobstered in Maine for 5 years, maintained Maine residency for at least 10 years and completed a Department of Marine Resources apprentice program for entry into the lobster fishery. The license holder and the transferee must notify the department in writing of the transfer. It also adds a provision to limit a recipient of a license by transfer to 300 traps in the initial year and an increase of 100 traps each subsequent year up to the trap limit.

**LD 308      An Act Regarding the Saltwater Recreational Fishing Registry      MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE SNOWE-MELLO	ONTP MAJ OTP-AM MIN	

LD 308 repeals the Maine Revised Statutes, Title 12, section 6312 establishing the saltwater recreational fishing registry and Title 12, section 6032 establishing the Marine Recreation Fishing Conservation and Management Fund and does the following.

1. It provides for voluntary saltwater recreational fishing registration.
2. It directs the Commissioner of Marine Resources to work with the Commissioner of Inland Fisheries and Wildlife to establish a system that allows a person to register on the voluntary saltwater fishing registry online, by checking a box on a freshwater fishing license or watercraft registration or by mailing in a postcard distributed by the departments.