

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
125TH 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
125TH 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 125th 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 125th 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

3. It prohibits the establishment of a fee for registering on the saltwater recreational fishing registry and directs the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to administer the saltwater recreational fishing registry within the departments' existing resources.

LD 319 An Act To Amend the Saltwater Recreational Fishing Registry ONTP
Regarding Unauthorized Landing or Possession of Striped Bass

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

Currently, a saltwater angler may not land or possess striped bass without a striped bass endorsement under the saltwater recreational fishing registry laws or a valid freshwater fishing license. LD 319 provides that the incidental landing or possession of striped bass is not prima facie evidence of a violation.

LD 210 eliminates the striped bass endorsement from the saltwater recreational fishing registry laws.

LD 337 An Act To Make Technical Changes to Aquaculture Laws PUBLIC 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD	OTP-AM	H-106

LD 337 makes the following changes to the aquaculture statutes.

1. It repeals the Maine Revised Statutes, Title 12, section 6072, subsection 8-A, regarding preference for limited-purpose lease areas, and integrates the preference for limited-purpose leaseholders into the list of preferences in Title 12, section 6072, subsection 8. It also makes clear that the standard lease can be for the same area or a portion of the same area covered by the experimental lease.

2. It removes the requirement that the Commissioner of Marine Resources hold a public hearing before deciding whether to renew a limited-purpose lease for scientific research and instead provides for a hearing at the commissioner's option or at the request of 5 or more people.

3. It combines the research and aquaculture lease renewal provisions in a single subsection and makes the renewal requirements consistent among the various types of aquaculture leases. It provides that submitting a renewal application to the Department of Marine Resources is sufficient to extend the existing lease until a decision is reached on the renewal. It eliminates the confusion in the existing language about whether the application first has to be reviewed by the department and found to be complete in order to trigger this lease extension.

4. It makes it clear that simply submitting an application for a standard lease under Title 12, section 6072 for an area or a portion of an area already covered by a limited-purpose lease before the limited-purpose lease expires is sufficient to extend the limited-purpose lease pending a decision on the new application. It eliminates the confusion in the existing language about whether the application has to be reviewed by the department and found to be complete in order to trigger this lease extension. The bill also makes it clear that the standard lease can be for the same area or for a portion of the same area already covered by the limited-purpose lease.

Joint Standing Committee on Marine Resources

Committee Amendment "A" (H-106)

The amendment changes the number of persons required to request a public hearing for a scientific research lease renewal from 5 to 25.

Enacted Law Summary

Public Law 2011, chapter 93 does the following.

1. It repeals the Maine Revised Statutes, Title 12, section 6072, subsection 8-A, regarding preference for limited-purpose lease areas, and integrates the preference for limited-purpose leaseholders into the list of preferences in Title 12, section 6072, subsection 8. It also makes clear that the standard lease application can be for the same area or a portion of the same area covered by the experimental lease.
2. It combines provisions for renewing standard aquaculture leases in a single subsection. It provides that submitting a renewal application to the Department of Marine Resources is sufficient to extend the existing lease until a decision is reached on the renewal. It eliminates the confusion in the existing language about whether the application has to be reviewed by the department and found to be complete in order to trigger the lease extension.
3. It removes the requirement that the Commissioner of Marine Resources hold a public hearing before deciding whether to renew a limited-purpose lease for scientific research and instead provides for a hearing at the commissioner's option or at the request of 25 or more people.
4. It makes it clear that simply submitting an application for a standard lease under Title 12, section 6072 for an area or a portion of an area already covered by a limited-purpose lease before the limited-purpose lease expires is sufficient to extend the limited-purpose lease pending a decision on the new application. It provides that submitting a renewal application to the Department of Marine Resources is sufficient to extend the existing lease until a decision is reached on the renewal.
5. It extends from 60 days to 6 months the time within which the holder of an emergency lease under Title 12, section 6072-B can apply for a standard lease and thus allows the emergency lease to continue in effect while the standard lease application is processed.

LD 348 An Act To Continue Limited Entry in the Scallop Fishery

**PUBLIC 237
EMERGENCY**

Sponsor(s)

KRUGER

Committee Report

OTP-AM

Amendments Adopted

H-333

LD 348 removes the provision of law that repeals the laws providing for limited entry into the scallop fishery and clarifies that a person who is eligible to obtain a license through the limited entry system may be issued a license by the Commissioner of Marine Resources.

Committee Amendment "A" (H-333)

The amendment adds to the provisions of the bill. It:

1. Changes rules from routine technical to major substantive for the scallop license limited entry system;
2. Directs the Commissioner of Marine Resources to review the composition of the Scallop Advisory Council to determine whether the number of members on the Scallop Advisory Council representing each type of license holder