

# MAINE STATE LEGISLATURE

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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

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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

### 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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KRUGER	OTP-AM	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

## *Joint Standing Committee on Marine Resources*

accurately represents the geographic distribution and relative numbers of each type of license holder, and to report the findings to the Joint Standing Committee on Marine Resources by December 7, 2011 and recommend any changes necessary to ensure appropriate representation; and

3. Authorizes the Joint Standing Committee on Marine Resources to report out a bill on the subject of the report to the Second Regular Session of the 125th Legislature.

This amendment incorporates language from LD 997 regarding a review of the Scallop Advisory Council.

### **Enacted Law Summary**

Public Law 2011, chapter 237 does the following.

1. Changes rules from routine technical to major substantive for the scallop license limited entry system;
2. Removes the provision of law that repeals the laws providing for limited entry into the scallop fishery;
3. 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;
4. 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 accurately represents the geographic distribution and relative numbers of each type of license holder, and to report the findings to the Joint Standing Committee on Marine Resources by December 7, 2011 and recommend any changes necessary to ensure appropriate representation; and
5. Authorizes the Joint Standing Committee on Marine Resources to report out a bill on the subject of the report to the Second Regular Session of the 125th Legislature.

Public Law 2011, chapter 237 was enacted as an emergency measure effective June 7, 2011.

### **LD 371      An Act To Control Costs to the Lobster Industry**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON SULLIVAN	LV/WD	

LD 371 limits how the Commissioner of Marine Resources may spend trap tag fees. The bill requires the commissioner to provide a separate accounting of trap tag fees to the Lobster Advisory Council.

### **LD 418      An Act To Create a Saltwater Fishing License for Owners of Docks, Piers and Wharves**

**ONTP**

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