

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE
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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 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

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	

Joint Standing Committee on Marine Resources

Currently, a person may not engage in saltwater recreational fishing or land or possess fish taken from salt water without first registering on the State's saltwater recreational fishing registry. By law, there are a number of exceptions to that registry requirement. LD 418 adds an exception for a person recreationally fishing in salt water from a dock, pier or wharf if the owner or operator of that dock, pier or wharf possesses a valid saltwater fishing structure license pursuant to the Maine Revised Statutes, Title 12, section 6312, subsection 5-A.

LD 210 contains language from LD 418. It exempts a person fishing from a dock, pier or wharf owned by an individual who possesses a valid recreational fishing operator's license pursuant to the Maine Revised Statutes, Title 12, section 6312, subsection 5 from registering on the saltwater recreational fishing registry. See enacted law summary for LD 210.

LD 538 An Act To Assist the Commercial Fishing Safety Council

PUBLIC 128

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES WOODBURY	OTP-AM	H-168

LD 538 makes the following changes to the membership of the Commercial Fishing Safety Council. It:

1. Reduces the size of the Council from 16 to 9 members.
2. Removes the requirement that a member of and appointed by the Marine Resources Advisory Council serve on the Council.
3. Allows a member of the Scallop Advisory Council to qualify for the Council in the seat that currently requires a member of the Sea Urchin Zone Council only.
4. Decreases the number of members who represent commercial marine harvesting activities from five to three.
5. Allows an expert in fishing industry risk analysis and occupational health as an alternate to fill the seat that currently requires a community-based adult education and volunteer safety training educator instead of requiring both.
6. Removes the requirement for a representative of the marine insurance industry.
7. Removes the requirement for a marine surveyor.
8. Removes the chair of the Marine Resources Advisory Council as an ex officio member.

The bill also:

1. Adds "to the degree possible" after language stating that the council must reflect a geographic distribution along the coast of the State.
2. Removes the council's authority to invite other participants on an ad hoc basis.
3. Removes the requirement that a member may not serve more than 2 consecutive terms.

Committee Amendment "A" (H-168)