

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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STAFF:

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

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

The amendment makes the following changes to the bill.

1. It removes the added qualification that the Commercial Fishing Safety Council must reflect a geographic distribution along the coast of the State in its membership only to the degree possible; and
2. It preserves language in current law that the council may invite other participants on an ad hoc basis to carry out the duties of the council.

Enacted Law Summary

Public Law 2011, chapter 128 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.
9. Removes the requirement that a member may not serve more than 2 consecutive terms.

LD 558

An Act To Provide Members of the Penobscot Nation with Marine Resources Licenses

**PUBLIC 137
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL SCHNEIDER	OTP-AM	H-211

LD 558 permits a member of the Penobscot Nation to engage in certain marine resources harvesting activities if that member holds a tribal license in the same manner as currently provided for members of the Passamaquoddy Tribe. Commercial harvesting activities include:

1. Lobster; trap tags are issued by the nation in a manner consistent with trap tags issued pursuant to §6431-B. Trap tag fees are not charged if tags are issued by the nation.
2. Elver; elver gear tags are issued by the nation in a manner consistent with tags issued pursuant to §6505-B.

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Members of the Penobscot Nation are also permitted to engage in harvesting activities for sustenance or ceremonial tribal use, as the Passamaquoddy Tribe may. This includes:

1. Any marine organism, except lobster, if the member holds a valid sustenance fishing license issued by the nation.
2. Lobsters, if the tribal member holds a valid sustenance lobster license issued by the nation and tags the trap with sustenance use trap tags issued by the nation.
3. Any marine organism for use in a tribal ceremony if the member holds a valid ceremonial tribal permit from the Penobscot Reservation Tribal Council.

Limitations on lobster and sea urchin licenses include:

1. The Penobscot Nation may not issue more than 24 commercial lobster and crab fishing licenses, except for apprenticeship licenses, subject to eligibility requirements in §6421, subsection 5.
2. The Penobscot Nation may not issue more than 24 commercial licenses for the taking of sea urchins. Licenses must be issued by zone in accordance with §6739-P.

Committee Amendment "A" (H-211)

The amendment changes the title of the bill and clarifies that the Passamaquoddy Tribe and the Penobscot Nation each may issue up to 24 lobster and crab fishing licenses annually to their members. The amendment also provides that the Penobscot Nation may issue commercial sea urchin licenses to its members when the sea urchin resource recovers and new entry is allowed in the fishery. As specified by the Commissioner of Marine Resources in rule, the Penobscot Nation may issue 20 or fewer commercial scallop licenses in a calendar year and additional commercial scallop licenses if the scallop fishery opens to new entry, and 8 or fewer commercial elver licenses in a calendar year and additional commercial elver licenses if the commercial elver fishery opens to new entry. The amendment also requires the Passamaquoddy Tribe, the Penobscot Nation and the Department of Marine Resources to report on the status of sea urchin, scallop and elver fisheries to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of each even-numbered year.

Enacted Law Summary

Public Law 2011, chapter 137 permits a member of the Penobscot Nation to engage in certain marine resources harvesting activities if that member holds a tribal license in the same manner as currently provided for members of the Passamaquoddy Tribe. Commercial harvesting activities include:

1. Lobster. Trap tags are issued by the nation in a manner consistent with trap tags issued pursuant to §6431-B. Trap tag fees are not charged if tags are issued by the nation. The Penobscot Nation each may issue up to 24 lobster and crab fishing licenses annually to its members.
2. Elver. Elver gear tags are issued by the nation in a manner consistent with tags issued pursuant to §6505-B. The Penobscot Nation may issue 8 or fewer commercial elver licenses in a calendar year and additional commercial elver licenses if the commercial elver fishery opens to new entry.
3. Sea urchin. The Penobscot Nation may issue commercial sea urchin licenses to its members when the sea urchin resource recovers and new entry is allowed in the fishery.
4. Scallop. The Penobscot Nation may issue 20 or fewer commercial scallop licenses in a calendar year and additional commercial scallop licenses if the scallop fishery opens to new entry as specified by the Commissioner of Marine Resources in rule.

Members of the Penobscot Nation are also permitted to engage in harvesting activities for sustenance or ceremonial

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tribal use, as the Passamaquoddy Tribe may. This includes:

1. Any marine organism, except lobster, if the member holds a valid sustenance fishing license issued by the nation.
2. Lobsters, if the tribal member holds a valid sustenance lobster license issued by the nation and tags the trap with sustenance use trap tags issued by the nation.
3. Any marine organism for use in a tribal ceremony if the member holds a valid ceremonial tribal permit from the Penobscot Reservation Tribal Council.

Public Law 2011, chapter 137 requires that the Passamaquoddy Tribe, the Penobscot Nation and the Department of Marine Resources to report on the status of sea urchin, scallop and elver fisheries to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of each even-numbered year.

Public Law 2011, chapter 137 was enacted as an emergency measure effective May 25, 2011.

LD 664 An Act To Ensure Apportionment of Scallop Licenses

ONTP

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

LD 664 requires the Commissioner of Marine Resources to adopt rules for the limited entry scallop system that contain a process to ensure that hand fishing scallop licenses and scallop dragging licenses are available in regions where those licenses were previously issued.

The Department of Marine Resources stated it is currently working to generate a means to allow entry into Maine's commercial scallop fishery and will report back to the Joint Standing Committee on Marine Resources regarding entry into the fishery at the beginning of the Second Regular Session of the 125th Legislature.

LD 725 An Act To Allow the Commissioner of Marine Resources To Use Discretion in Reissuing Scallop Licenses

ONTP

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

LD 725 allows the Commissioner of Marine Resources the discretion of reissuing a hand fishing scallop license to a person who did not meet the eligibility requirements for that license because of a substantial illness or medical condition on the part of that person or a family member.

LD 1522 incorporates the subject matter of this bill with an added military waiver.