

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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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

LD 992

An Act To Amend the Depuration Laws

PUBLIC 175

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-105

LD 992 amends the depuration laws. It changes the date when a municipality must inform the Commissioner of Marine Resources whether it intends to develop a pollution abatement plan. It amends the conditions that apply to when the commissioner needs to get approval from a municipality before the commissioner can open an area within a municipality for depuration digging. It also requires that a person holding a depuration certificate may not employ more than 3 people who are not residents of a municipality if there are at least 15 harvesters who are residents of the municipality available for employment in the depuration harvest area.

Committee Amendment "A" (S-105)

The amendment does the following.

1. It eliminates the requirement that municipalities with municipal shellfish conservation committees contact the Commissioner of Marine Resources by specific deadlines in regards to pollution abatement plans in reclassified shellfish growing areas. Instead, responsibility for municipal pollution abatement activities is given to the commissioner, who may close a shellfish growing area for municipal pollution abatement activities based on whether or not the commissioner finds pollution abatement activities will succeed. General guidelines for identifying whether pollution abatement activities are likely to succeed in a shellfish growing area are included.
2. It allows a municipality to request the commissioner to allow soft-shelled clam depuration harvesting in a closed area.
3. It moves the requirement that a depuration certificate holder maintain a generalized management plan on file with the commissioner from the Maine Revised Statutes, Title 12, section 6856, subsection 3 to a new subsection 3-D that governs soft-shelled clam depuration harvesting in municipalities with municipal shellfish conservation programs.
4. It requires the depuration certificate holder to include a summary of reports submitted to the Department of Marine Resources when submitting payment to a municipality.
5. It eliminates the requirement in the bill that the person holding the depuration certificate not employ more than 3 nonresidents of the municipality in which depuration harvesting will take place, as long as 15 or more resident harvesters are available. It also eliminates language that the certificate holder employ one resident harvester for every nonresident harvester to the extent possible if fewer than 15 resident harvesters are available. It adds language that the certificate holder shall engage commercial harvesters holding valid municipal and state commercial shellfish licenses, and it allows the depuration certificate holder to supplement with other commercial shellfish harvesters licensed in the State if insufficient municipally licensed commercial harvesters are available.

Enacted Law Summary

Public Law 2011, chapter 175 makes changes to the depuration laws.

1. It eliminates the requirement that municipalities with municipal shellfish conservation committees contact the Commissioner of Marine Resources by specific deadlines in regards to pollution abatement plans in reclassified shellfish growing areas. Instead, responsibility for municipal pollution abatement activities is given to the commissioner, who may close a shellfish growing area for municipal pollution abatement activities based on

Joint Standing Committee on Marine Resources

whether or not the commissioner finds pollution abatement activities will succeed. General guidelines for identifying whether pollution abatement activities are likely to succeed in a shellfish growing area are included.

2. It allows a municipality to request the commissioner to allow soft-shelled clam depuration harvesting in a closed area.
3. It requires the depuration certificate holder to include a summary of reports submitted to the Department of Marine Resources when submitting payment to a municipality.
4. It eliminates language from statute that the certificate holder employ one resident harvester for every nonresident harvester to the extent possible. It adds language that the certificate holder shall engage commercial harvesters holding valid municipal and state commercial shellfish licenses, and it allows the depuration certificate holder to supplement with other commercial shellfish harvesters licensed in the State if insufficient municipally licensed commercial harvesters are available.

LD 997 Resolve, Directing the Commissioner of Marine Resources To Review ONTP
the Composition of the Scallop Advisory Council and Recommend Any
Changes Necessary To Ensure Appropriate Representation

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

LD 997, a resolve, 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 relative numbers of each type of license holder. The resolve directs the commissioner to report to the Joint Standing Committee on Marine Resources on its findings by December 7, 2011 and recommend any changes necessary to ensure appropriate representation.

LD 348 includes a review of the Scallop Advisory Council.

LD 1218 An Act To Establish Recreational Flats Where Commercial Shellfish ACCEPTED
Harvesting Is Prohibited ONTP REPORT

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

LD 1218 prohibits the commercial harvesting and commercial use of shellfish from areas that are established only for noncommercial shellfish harvesting, directs the Commissioner of Marine Resources to adopt rules to prohibit the commercial harvesting and commercial use of shellfish from recreational flats where only noncommercial shellfish harvesting is allowed, and enacts a penalty for violations.