

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

to ensure that those who receive licenses purchased seed at least one year prior to the date the license goes into effect and provide a plan for how and where the oysters will be grown.

LD 1522 **An Act To Make Technical Changes to Marine Resources Laws**

PUBLIC 266

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM	S-215

LD 1522 makes technical changes to a variety of existing marine resources statutes. It:

1. Adds the recently created pelagic and anadromous fishing license to the list of state-issued licenses that members of the Passamaquoddy Tribe are not required to hold;
2. Adds the limited entry scallop fishery to those fisheries that allow medical or military waivers from the yearly requirement to purchase a license in order to participate in the fishery in the future;
3. Removes the part of the nonresident lobster and crab landing permit laws that limits permit holders to Maine's trap limit and requires that they purchase Maine lobster trap tags;
4. Extends the date for submitting information to the Commissioner of Marine Resources in order to qualify for grandfathering under the established base of operations requirement;
5. Clarifies that all lobster traps and trawls must be marked by a visible buoy and that the Bureau of Marine Patrol may require more distinguishable buoy color designs in instances where family members' buoys are not distinct enough to provide adequate enforcement of current laws;
6. Specifies a process by which abandoned lobster gear may be disposed;
7. Clarifies the commercial fishing license to reflect the creation of 2 recently created specific licenses, the pelagic and anadromous fishing license and the sea cucumber harvesting license;
8. Repeals an error in the qualifying years for eligibility to hold a scallop license; and
9. Establishes in statutes the administration of the existing Maine Working Waterfront Access Pilot Program.

Committee Amendment "A" (S-215)

The amendment makes the following changes to the bill.

1. It provides that the State assents to the Federal Aid in Sport Fish Restoration Act and that the Commissioner of Marine Resources may perform acts necessary for the establishment and implementation of cooperative fish restoration and management projects defined in that Act.
2. It corrects a reference in current law to "double gauge" as the State's lobster measure to provide consistency with a similar change made by the bill.
3. It removes the definition of "temporarily" added by the bill to 2 provisions of law related to the commissioner's authority to allow a person to take lobsters from a vessel other than the vessel listed on the person's license. This removal gives the commissioner discretion to continue to make determinations on a case-by-case basis when

Joint Standing Committee on Marine Resources

necessary.

4. It adds sea urchin parts to what a person holding a wholesale seafood license with a sea urchin buyer's permit may buy, sell, ship or transport. It removes language that restricts a license holder from buying, selling, shipping or transporting sea urchin parts.
5. It specifies that activities a person holding a wholesale seafood license with a sea urchin processor's permit may engage in include sea urchins or sea urchin parts processed under that license.

Enacted Law Summary

Public Law 2011, chapter 266 makes technical changes to a variety of existing marine resources statutes. It:

1. Provides that the State assents to the Federal Aid in Sport Fish Restoration Act and that the Commissioner of Marine Resources may perform acts necessary for the establishment and implementation of cooperative fish restoration and management projects defined in that Act;
2. Adds the recently created pelagic and anadromous fishing license to the list of state-issued licenses that members of the Passamaquoddy Tribe are not required to hold;
3. It removes "double gauge" from the lobster measurement section;
4. Adds the limited entry scallop fishery to those fisheries that allow medical or military waivers from the yearly requirement to purchase a license in order to participate in the fishery in the future;
5. Removes the part of the nonresident lobster and crab landing permit laws that limits permit holders to Maine's trap limit and requires that they purchase Maine lobster trap tags;
6. Extends the date for submitting information to the Commissioner of Marine Resources in order to qualify for grandfathering under the established base of operations requirement;
7. Clarifies that all lobster traps and trawls must be marked by a visible buoy and that the Bureau of Marine Patrol may require more distinguishable buoy color designs in instances where family members' buoys are not distinct enough to provide adequate enforcement of current laws;
8. Specifies a process by which abandoned lobster gear may be disposed;
9. Clarifies the commercial fishing license to reflect the creation of 2 recently created specific licenses, the pelagic and anadromous fishing license and the sea cucumber harvesting license;
10. Repeals an error in the qualifying years for eligibility to hold a scallop license;
11. Establishes in statutes the administration of the existing Maine Working Waterfront Access Pilot Program;
12. It adds sea urchin parts to what a person holding a wholesale seafood license with a sea urchin buyer's permit may buy, sell, ship or transport. It removes language that restricts a license holder from buying, selling, shipping or transporting sea urchin parts; and
13. It specifies that activities a person holding a wholesale seafood license with a sea urchin processor's permit may engage in all activities in 12 MRSA Section 6851 subsection 2 and may buy, sell, process, ship or transport whole sea urchins or sea urchin parts processed under that license.