

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 1532 Resolve, Directing the Commissioner of Marine Resources To Contract for an Independent Analysis of the Limited Entry Lobster License System

RESOLVE 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON COURTNEY	OTP-AM	H-278

LD 1532 directs the Commissioner of Marine Resources to contract for an independent analysis of the costs and benefits of the limited entry lobster license system and provide that analysis to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013.

Committee Amendment "A" (H-278)

The amendment:

1. Removes language from the resolve specifying that the analysis must include an evaluation of the costs and benefits of the limited entry system;
2. States that the analysis must include but is not limited to an evaluation of the limited entry system; and
3. Removes language from the resolve stating that the Commissioner of Marine Resources shall provide the analysis and specifies that the commissioner shall report on the analysis to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013.

Enacted Law Summary

Resolve 2011, chapter 62 directs the Commissioner of Marine Resources to contract for an independent analysis of the limited entry lobster license system and report the analysis to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013.

LD 1547 An Act To Allow Certain Wholesale Seafood Dealers To Process Imported Lobsters

**PUBLIC 247
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM MAJ ONTP	S-156

Current law allows wholesale seafood dealers with a lobster permit to import, handle and transport lobsters that do not meet minimum or maximum length requirements. LD 1547 allows those permit holders who also hold a lobster processing license to process those legally imported lobsters as long as the lobsters were not harvested or landed in this State, are legal in the waters from which they were harvested, are not less than the minimum size established in 12 MRSA. Current law allows wholesale seafood dealers with a lobster permit to import, handle and transport lobsters that do not meet minimum or maximum length requirements. LD 1547 allows those permit holders who also hold a lobster processing license to process those legally imported lobsters as long as the lobsters were not harvested or landed in this State, are legal in the waters from which they were harvested, are not less than the minimum size established in 12 MRSA section 6431, and, except for the claws and knuckles, are not later sold in this State.

Joint Standing Committee on Marine Resources

Committee Amendment "A" (S-156)

The amendment:

1. Adds that the Commissioner of Marine Resources is required to adopt or amend rules to establish the method by which the Department of Marine Resources collects from the holder of a lobster processor license landings records on oversized lobsters harvested outside this State received by that lobster processor; and
2. Repeals the exception to the processing of oversized lobsters harvested outside of this State 90 days after adjournment of the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 247 allows a wholesale seafood dealer with a lobster permit who also holds a lobster processing license to process legally imported lobsters that do not meet the State's minimum or maximum length requirements as long as the lobsters were not harvested or landed in this State, are legal in the waters from which they were harvested, are not less than the minimum size established in 12 MRSA section 6431, and, except for the claws and knuckles, are not later sold in this State. The Commissioner of Marine Resources is required to adopt or amend rules to establish the method by which the Department of Marine Resources collects from the holder of a lobster processor license landings records on oversized lobsters harvested outside this State received by that lobster processor. The exception to the processing of oversized lobsters harvested outside of this State is repealed 90 days after adjournment of the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 247 was enacted as an emergency measure effective June 7, 2011.

LD 1579 An Act To Amend the Lobster Promotion Council

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO		

LD 1579 revises the structure of the Lobster Promotion Council.

1. Current law requires that the council consist of 3 members from each of the defined districts of the State: the western district, the midcoast district and the eastern district. Current law also requires 3 members to be full-time lobster harvesters who have held valid lobster and crab fishing licenses, 3 members to be lobster dealers or pound operators and 3 members to be public members. This bill instead requires the appointment of at least one member who represents the western district of the State, at least one member who represents the eastern district of the State and up to 7 public members who have professional knowledge or experience in trade, promotion or marketing or other disciplines that the Commissioner of Marine Resources determines would assist in the advancement of the council's objectives. This bill also revises the area that is defined as the western district.
2. It authorizes the commissioner to remove a member for cause or for the violation of a marine resources law or Department of Marine Resources rule.
3. It authorizes the commissioner to vote in case of a tie vote on the council.
4. It requires the council to draw upon the expertise of industries, organizations and persons experienced in marketing and promotion and expands the council's purposes to specifically include identification and promotion of initiatives for the marketing and promotion of lobsters harvested or processed in the State.