

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON MARINE RESOURCES

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



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 Second 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.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. 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 1579 An Act To Amend the Lobster Promotion Council

ONTP

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

This bill was carried over from the First Regular Session of the 125th Legislature. It revises the structure of the Lobster Promotion Council.

1. It changes the makeup of the council. 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.
5. It provides that the terms of the members currently serving on the Lobster Promotion Council expire and directs the commissioner to appoint 9 members to the council within 90 days after the effective date of this bill.

LD 1609 An Act To Ensure the Safety of Bait Used in Maine's Fishery

**PUBLIC 475
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY	OTP-AM	H-690

This bill allows the Commissioner of Marine Resources to maintain a list of freshwater organisms acceptable for and a list of marine organisms prohibited from use as bait to fish for or take lobster or crabs. The list of freshwater organisms acceptable for use as bait fish for lobster or crabs must include the locations from which the organisms maybe harvested. The list of marine organisms prohibited from use as bait must include the locations from which harvesting is prohibited.

Committee Amendment "A" (H-690)

This amendment adds an emergency preamble and emergency clause to the bill.

Joint Standing Committee on Marine Resources

Enacted Law Summary

Public Law 2011, chapter 475 allows the Commissioner of Marine Resources to maintain a list of freshwater organisms acceptable for and a list of marine organisms prohibited from use as bait to fish for or take lobster or crabs. The list of freshwater organisms acceptable for use as bait to fish for lobster or crabs must include the locations from which the organisms may be harvested. The list of marine organisms prohibited from use as bait must include the locations from which harvesting is prohibited.

Public Law 2011, chapter 475 was enacted as an emergency measure effective February 22, 2012.

LD 1654 An Act To Permit the Department of Marine Resources To Develop and Establish a Seafood Export Certification Program

**PUBLIC 567
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-449

This bill establishes the Seafood Export Certification Program in the Department of Marine Resources to allow the department, in conjunction with the United States Department of Commerce, National Oceanic and Atmospheric Administration, to inspect and certify seafood and issue certificates of compliance necessary to meet international export standards.

Committee Amendment "A" (S-449)

This amendment provides that the Commissioner of Marine Resources may enter into agreements with the United States Department of Commerce, National Oceanic and Atmospheric Administration and seafood producers for the issuance of certificates of compliance required by international regulations. The department may also seek reimbursement from the National Oceanic and Atmospheric Administration for the costs incurred by the Department of Marine Resources for the inspection and certification program. Such agreements would allow the department to perform inspections that are otherwise performed by the National Oceanic and Atmospheric Administration. The amendment also requires the commissioner to submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters detailing the department's progress regarding a voluntary fishery product inspection program, including draft legislation if necessary to implement the program. It also gives the committee permission to report out a bill to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 567 authorizes the Commissioner of Marine Resources to enter into agreements with the United States Department of Commerce, National Oceanic and Atmospheric Administration and seafood producers for the issuance of certificates of compliance required by international regulations. The department may also seek reimbursement from the National Oceanic and Atmospheric Administration for the costs incurred by the Department of Marine Resources for the inspection and certification program. The agreements allow the department to perform inspections that are otherwise performed by the National Oceanic and Atmospheric Administration. Public Law 2011, chapter 567 also requires the commissioner to submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters detailing the department's progress regarding a voluntary fishery product inspection program, including draft legislation if necessary to implement the program. It also gives the committee permission to report out a bill to the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 567 was enacted as an emergency measure effective March 30, 2012.