

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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

125<sup>TH</sup> 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 125<sup>th</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 125<sup>th</sup> 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 1674      Resolve, Directing the Department of Marine Resources To Examine the Role of 3rd-party Laboratories in Conducting Testing for the Department      ONTP**

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

This resolve directs the Department of Marine Resources to examine the role of 3rd-party laboratories in conducting testing for the department. The resolve also requires the department to report its findings to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013 and allows the committee to submit a bill to the First Regular Session of the 126th Legislature.

Although the Joint Standing Committee on Marine Resources voted ONTP, the Committee wanted to immediately address the role 3rd-party laboratories could play in water testing. The Committee sent a letter to the commissioner to convene the necessary parties to make a determination by February 24, 2012 of the feasibility of 3rd-party laboratories in helping to meet the needs of the department, protect public health and improve service to the State's shellfish industry.

**LD 1709      An Act To Amend the Limited-entry Program for Taking Lobsters in the Monhegan Lobster Conservation Area      PUBLIC 486**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEAVER	OTP	

This bill changes the limited-entry program for taking lobsters in the Monhegan Lobster Conservation Area, including by:

1. Limiting the number of traps per registered individual to 400;
2. Allowing a person who holds a federal lobster permit and Monhegan Lobster Conservation Area trap tags to take lobsters from Lobster Management Area 3, as identified by the Atlantic States Marine Fisheries Commission;
3. Limiting the number of individuals that may be registered to obtain Monhegan Lobster Conservation Area trap tags to 17;
4. Allowing a person who does not hold a Monhegan Lobster Conservation Area trap tag to fish for lobster in the Monhegan Lobster Conservation Area as long as that person holds a noncommercial lobster and crab fishing license but does not hold a commercial lobster and crab fishing license;
5. Requiring the Commissioner of Marine Resources to maintain a waiting list of persons who have requested but not obtained a Monhegan Island limited-entry lobster and crab fishing license, instead of a registry of persons who have completed the Monhegan Lobster Conservation Area apprenticeship program. Persons on the waiting list may obtain Monhegan Lobster Conservation Area trap tags as they become available; and
6. Eliminating the Monhegan Lobster Conservation Area apprenticeship program.

## *Joint Standing Committee on Marine Resources*

### **Enacted Law Summary**

Public Law 2011, chapter 486 changes the limited-entry program for taking lobsters in the Monhegan Lobster Conservation Area, including by:

1. Limiting the number of traps per registered individual to 400;
2. Allowing a person who holds a federal lobster permit and Monhegan Lobster Conservation Area trap tags to take lobsters from Lobster Management Area 3, as identified by the Atlantic States Marine Fisheries Commission;
3. Limiting the number of individuals that may be registered to obtain Monhegan Lobster Conservation Area trap tags to 17;
4. Allowing a person who does not hold a Monhegan Lobster Conservation Area trap tag to fish for lobster in the Monhegan Lobster Conservation Area as long as that person holds a noncommercial lobster and crab fishing license but does not hold a commercial lobster and crab fishing license;
5. Requiring the Commissioner of Marine Resources to maintain a waiting list of persons who have requested but not obtained a Monhegan Island limited-entry lobster and crab fishing license, instead of a registry of persons who have completed the Monhegan Lobster Conservation Area apprenticeship program. Persons on the waiting list may obtain Monhegan Lobster Conservation Area trap tags as they become available; and
6. Eliminating the Monhegan Lobster Conservation Area apprenticeship program.

**LD 1721      An Act To Improve the Method of Classifying Shellfish Harvesting  
Areas and Providing Notification of Changes**

**PUBLIC 527  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-415

This bill changes the method used by the Department of Marine Resources to manage contaminated or polluted shellfish resource areas to protect public health. It changes the classification method from the adoption of emergency rules to a classification by the Commissioner of Marine Resources of areas as open or closed through text descriptions and maps provided on the department's website and to affected municipalities and the Bureau of Marine Patrol.

### **Committee Amendment "A" (S-415)**

This amendment adds an emergency preamble and emergency clause to the bill. It also clarifies that a person with a valid depuration certificate may take shellfish from an area classified as closed.

### **Enacted Law Summary**

Public Law 2011, chapter 527 changes the method used by the Department of Marine Resources to manage contaminated or polluted shellfish resource areas to protect public health. It changes the classification method from the adoption of emergency rules to a classification by the Commissioner of Marine Resources of areas as open or closed through text descriptions and maps provided on the department's website and to affected municipalities and the Bureau of Marine Patrol. It also clarifies that a person with a valid depuration certificate may take shellfish from an area classified as closed.

Public Law 2011, chapter 527 was enacted as an emergency measure effective March 19, 2012.