

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

July 2013

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STAFF:

AMY WINSTON, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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126TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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 72 An Act To Open the St. Croix River to River Herring

**PUBLIC 47
EMERGENCY**

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

This bill provides that, by May 1, 2013, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure the fishways on the Woodland Dam and the Grand Falls Dam located on the St. Croix River are configured or operated in a manner that allows the unconstrained passage of river herring.

Enacted Law Summary

Public Law 2013, chapter 47 provides that, by May 1, 2013, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure the fishways on the Woodland Dam and the Grand Falls Dam located on the St. Croix River are configured or operated in a manner that allows the unconstrained passage of river herring.

Public Law 2013, chapter 47 was enacted as an emergency measure effective April 23, 2013.

LD 182 An Act To Support the Maine Lobster Industry

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS	OTP-AM	

This bill makes a General Fund appropriation in fiscal year 2013-14 to the Lobster Promotion Council to increase its work to promote and market Maine lobsters in state, regional, national and international markets.

Committee Amendment "A" (H-29)

This amendment makes a General Fund appropriation in fiscal year 2013-14 to the Lobster Promotion Fund for the Lobster Promotion Council or its successor organization to increase its work to promote and market Maine lobsters in state, regional, national and international markets.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 451 An Act Relating to Certain Marine Resources Licenses

**PUBLIC 8
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-8

This bill limits the Passamaquoddy Tribe's issuance of scallop licenses to 20 licenses and the issuance of elver licenses to 8 licenses, which provides parity with the Penobscot Nation. The bill also creates parity between all tribal or nation licenses issued pursuant to the Maine Revised Statutes, Title 12, section 6302-A and those issued by the Department of Marine Resources by restricting the renewal of licenses for noncompliance with reporting requirements.

Joint Standing Committee on Marine Resources

Committee Amendment "A" (H-8)

This amendment makes the following changes to the bill.

1. It provides that the Passamaquoddy Tribe may not issue to members of the tribe commercial licenses for the taking of elvers in any calendar year that exceed the following limits:
 - A. One hundred twenty-four licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net;
 - B. An additional 26 licenses that allow the taking of elvers with two pieces of gear, consisting of an elver fyke net and a dip net; and
 - C. An additional 50 limited licenses that allow the taking of elvers only in the St. Croix River and only with a dip net.
2. It provides that the Houlton Band of Maliseet Indians may issue to members of the band commercial licenses for the taking of elvers, as long as in any calendar year the number of licenses issued does not exceed 8 licenses that allow the taking of elvers with an elver fyke net only and eight licenses that allow the taking of elvers with a dip net only, except as otherwise permitted by the Commissioner of Marine Resources by rule.
3. It provides that an additional 25 dip nets must be made available through an additional Department of Marine Resources state elver gear lottery for the 2013 elver fishing season.
4. It directs the commissioner to examine the elver fishery, including harvesting levels and fishery management plans affecting the elver fishery proposed or adopted by the Atlantic States Marine Fisheries Commission, and, consistent with the commissioner's findings from the examination, to develop recommendations for modifications of the State's regulation of elver fishing, including licensing and gear use. The commissioner is also directed to discuss with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians the findings from the commissioner's examination and to seek through such discussions to develop a mutually agreeable structure for elver fishing licensing by those tribes. No later than January 1, 2014, the commissioner is directed to provide to the Joint Standing Committee on Marine Resources a report of the commissioner's findings and recommendations, including any draft legislation necessary to implement the commissioner's recommendations. The Joint Standing Committee on Marine Resources is authorized to report out a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the commissioner's report.
5. It adds an emergency preamble and emergency clause to the bill.

For clarity, the amendment reallocates, but retains the substance of, the provision of the bill that provides that the Passamaquoddy Tribe may not issue to members of the tribe more than 20 commercial licenses for the taking of scallops in any calendar year, except as otherwise permitted by the commissioner by rule.

The amendment also retains the provision of the bill that provides that if a holder of a tribal commercial fishing license fails to provide information required under Title 12, section 6173, the license may not be renewed until the holder complies with the requirements of that section.

Enacted Law Summary

Public Law 2013, chapter 8 does the following.

1. It provides that the Passamaquoddy Tribe may not issue to members of the tribe commercial licenses for the taking of elvers in any calendar year that exceed the following limits:

Joint Standing Committee on Marine Resources

- A. One hundred twenty-four licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net;
 - B. An additional 26 licenses that allow the taking of elvers with two pieces of gear, consisting of an elver fyke net and a dip net; and
 - C. An additional 50 limited licenses that allow the taking of elvers only in the St. Croix River and only with a dip net.
2. It provides that the Houlton Band of Maliseet Indians may issue to members of the band commercial licenses for the taking of elvers, as long as in any calendar year the number of licenses issued does not exceed 8 licenses that allow the taking of elvers with an elver fyke net only and eight licenses that allow the taking of elvers with a dip net only, except as otherwise permitted by the Commissioner of Marine Resources by rule.
3. It also provides that if a holder of a tribal commercial fishing license fails to provide information required under Title 12, section 6173, the license may not be renewed until the holder complies with the requirements of that section.
4. It provides that an additional 25 dip nets must be made available through an additional Department of Marine Resources state elver gear lottery for the 2013 elver fishing season.
5. It directs the commissioner to examine the elver fishery, including harvesting levels and fishery management plans affecting the elver fishery proposed or adopted by the Atlantic States Marine Fisheries Commission, and, consistent with the commissioner's findings from the examination, to develop recommendations for modifications of the State's regulation of elver fishing, including licensing and gear use. The commissioner is also directed to discuss with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians the findings from the commissioner's examination and to seek through such discussions to develop a mutually agreeable structure for elver fishing licensing by those tribes. No later than January 1, 2014, the commissioner is directed to provide to the Joint Standing Committee on Marine Resources a report of the commissioner's findings and recommendations, including any draft legislation necessary to implement the commissioner's recommendations. The Joint Standing Committee on Marine Resources is authorized to report out a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the commissioner's report.

Public Law 2013, chapter 8 was enacted as an emergency measure effective March 21, 2013.

LD 469 An Act To Allow the Commissioner of Marine Resources To Investigate ONTP
Price Fixing of Lobster

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS MAZUREK	ONTP	

This bill authorizes the Commissioner of Marine Resources to investigate lobster price fixing and requires the Attorney General, at the request of the commissioner, to provide investigatory assistance in determining whether lobster price fixing has occurred or is occurring.