

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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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 486

**An Act To Provide for the Effective Marketing and Promotion of Maine
Lobster**

PUBLIC 309

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KRUGER	OTP-AM OTP-AM	H-491

This bill amends provisions of the law establishing the Lobster Promotion Council as follows.

1. It increases the surcharge assessed on harvester and dealer licenses and creates a surcharge on the processor license to fund the council.
2. It changes the criteria for membership and the selection process.
3. It requires that the council report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters, the Lobster Advisory Council and the lobster industry.

Committee Amendment "A" (H-491)

This amendment, which is the majority report, replaces the bill and changes the provisions of the law establishing the Lobster Promotion Council as follows.

1. It renames the council the Maine Lobster Marketing Collaborative.
2. It increases, beginning in 2014, the surcharge assessed on lobster harvester and dealer licenses and creates a tiered surcharge on the lobster processor license to fund the marketing collaborative. It also creates tiered surcharges on the supplemental wholesale seafood licenses and supplemental lobster transportation licenses to fund the marketing collaborative. It requires the Commissioner of Marine Resources to review the surcharges annually and report to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to adjust the surcharges.
3. It changes the number of members, the criteria for membership and the selection process.
4. It requires that the collaborative present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2014 a 3-year marketing plan with a detailed work plan and proposed budget for programs and activities for 2014 and 2015. It retains the provisions of the bill that require a report by January 15, 2018 to the Lobster Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters with respect to the results of a third-party audit of programs and activities and that allow the committee to report out a bill based on the report.
5. It requires that the collaborative report annually to the joint standing committee of the Legislature having jurisdiction over marine resources matters, the Lobster Advisory Council and the lobster industry.
6. It provides that the provisions of law establishing the collaborative and the surcharges are repealed October 1, 2018.
7. It adds an appropriations and allocations section.

Committee Amendment "B" (H-492)

This amendment, which is the minority report, replaces the bill and changes the provisions of the law establishing the Lobster Promotion Council as follows.

Joint Standing Committee on Marine Resources

1. It renames the council the Maine Lobster Marketing Collaborative.
2. It increases, beginning in 2014, the surcharge assessed on lobster harvester and dealer licenses and creates a surcharge on the lobster processor license to fund the marketing collaborative. Under this amendment the lobster dealer and transportation licenses are assessed a surcharge of \$1,300 in 2014 rising to \$3,900 for years 2016 to 2018. The lobster processing license is assessed a surcharge of \$2,000 in 2014 rising to \$6,000 for years 2016 to 2018. It requires the Commissioner of Marine Resources to review the surcharges annually and report to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to adjust the surcharges.
3. It changes the number of members, the criteria for membership and the selection process.
4. It requires that the collaborative present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2014 a 3-year marketing plan with a detailed work plan and proposed budget for programs and activities for 2014 and 2015. It retains the provisions of the bill that require a report by January 15, 2018 to the Lobster Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters with respect to the results of a third-party audit of programs and activities and that allow the committee to report out a bill based on the report.
5. It requires that the collaborative report annually to the joint standing committee of the Legislature having jurisdiction over marine resources matters, the Lobster Advisory Council and the lobster industry.
6. It provides that the provisions of law establishing the collaborative and the surcharges are repealed October 1, 2018.
7. It adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 309 changes the provisions of the law establishing the Lobster Promotion Council as follows.

1. It renames the council the Maine Lobster Marketing Collaborative.
2. It increases, beginning in 2014, the surcharge assessed on lobster harvester and dealer licenses and creates a tiered surcharge on the lobster processor license to fund the marketing collaborative. It also creates tiered surcharges on the supplemental wholesale seafood licenses and supplemental lobster transportation licenses to fund the marketing collaborative. It requires the Commissioner of Marine Resources to review the surcharges annually and report to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to adjust the surcharges.
3. It changes the number of members, the criteria for membership and the selection process.
4. It requires that the collaborative present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2014 a 3-year marketing plan with a detailed work plan and proposed budget for programs and activities for 2014 and 2015. It require the collaborative to report by January 15, 2018 to the Lobster Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters the results of a third-party audit of programs and activities and allows the committee to report out a bill based on the report.
5. It requires that the collaborative report annually to the joint standing committee of the Legislature having jurisdiction over marine resources matters, the Lobster Advisory Council and the lobster industry.

Joint Standing Committee on Marine Resources

6. It repeals the provisions of law establishing the collaborative and the surcharges effective October 1, 2018.

LD 497 An Act To Move Maine's Elver Fishery towards Sustainability ONTP

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

This bill provides that elvers may be harvested only by residents using dip nets. Licenses for elver fishing are required to be issued to applicants who are residents who have previously been issued an elver license in any two consecutive years since and including 1994. Fifty dollars of each elver license fee and dip net fee is deposited in the Eel and Elver Management Fund, which is used for research and management of eels and elvers; the fund is modified to remove authority for the Commissioner of Marine Resources to use the fund to cover the costs associated with determining eligibility for elver fishing licenses.

LD 557 An Act To Change the Age at Which a Person Qualifies for a Fee Reduction for a Lobster and Crab Fishing License ONTP

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

This bill changes the age at which an applicant qualifies for a fee reduction for a lobster and crab fishing license from 70 years of age to 65 years of age.

LD 583 An Act To Allow the Exchange of Scallop Licenses ONTP

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

This bill allows a holder of a hand fishing scallop license and a holder of a scallop dragging license to exchange licenses.

LD 584 An Act To Provide for Passage of River Herring on the St. Croix River in Accordance with an Adaptive Management Plan ONTP

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

This bill requires that the fishway on the Grand Falls Dam allow passage of river herring in accordance with the provisions of the Adaptive Management Plan dated April 23, 2010 developed at the request of an international joint commission involving the United States and Canada.

See enacted law summary for LD 72 and bill summary for LD 748.