

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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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# STATE OF MAINE

126<sup>TH</sup> 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 126<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.

*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 126<sup>th</sup> 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 585      An Act To Require the Development of a Statewide Approach to Seaweed Management**

**PUBLIC 169**

| <u>Sponsor(s)</u>        | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------------|-------------------------|---------------------------|
| WINCHENBACH<br>JOHNSON C | OTP-AM                  | H-126                     |

This bill repeals the laws establishing the Cobscook Bay Rockweed Management Area 90 days after the adjournment of the Second Regular Session of the 126th Legislature. The bill also directs the Commissioner of Marine Resources to develop a fisheries management plan for a consistent approach to the management of seaweed harvesting throughout the State and to report to the Joint Standing Committee on Marine Resources no later than January 31, 2014.

**Committee Amendment "A" (H-126)**

This amendment removes the section of the bill that repeals the laws establishing the Cobscook Bay Rockweed Management Area 90 days after the adjournment of the Second Regular Session of the 126th Legislature. This amendment retains the provision of the bill that requires that the statewide fisheries management plan for a consistent statewide approach to seaweed harvesting be presented to the Joint Standing Committee on Marine Resources no later than January 31, 2014, but it clarifies that the plan must be provided to the committee for review and comment and gives the committee the authority to report out a bill related to the plan.

**Enacted Law Summary**

Public Law 2013, chapter 169 requires the Commissioner of Marine Resources to develop and present to the Joint Standing Committee on Marine Resources for review and comment no later than January 31, 2014, a statewide fisheries management plan for a consistent statewide approach to seaweed harvesting. It also gives the committee authority to report out a bill related to the plan.

**LD 604      An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation**

**PUBLIC 9  
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MITCHELL<br>CAIN  | OTP-AM                  | H-9                       |

This bill increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from 8 to 48. It also specifies that if the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner by rule may increase the number.

**Committee Amendment "A" (H-9)**

This amendment, like the bill, increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from eight licenses to 48 licenses. The amendment specifies that eight of the licenses allow the taking of elvers with two pieces of gear consisting of an elver fyke net and a dip net and 40 allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net. The amendment retains the provision of the bill that provides that if the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner by rule may increase the number.

**Enacted Law Summary**

## *Joint Standing Committee on Marine Resources*

Public Law 2013, chapter 9 increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from eight licenses to 48 licenses. Eight of the licenses allow the taking of elvers with two pieces of gear consisting of an elver fyke net and a dip net and 40 licenses allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net. If the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner shall increase the number by rule.

Public Law 2013, chapter 9 was enacted as an emergency measure effective March 21, 2013.

**LD 632      An Act To Enact Measures To Improve Enforcement Mechanisms in the Elver Industry**

**PUBLIC 49  
EMERGENCY**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| JOHNSON C<br>KUMIEGA | OTP-AM                  | S-23                      |

This bill makes technical changes in laws regarding marine resources to improve enforcement mechanisms for the elver industry. Among the changes are authorizing the seizure of a bulk pile that contains illegally harvested elvers and prohibiting the possession of elvers outside of the open season. The bill also changes the law to restrict courts from suspending all or a portion of fines for elver violations. It reduces the daily number of marine worms harvestable for personal use, and it restricts the allowable landings of northern shrimp for personal use to one tote.

The bill also specifies size limits on scallop spat collected and sold for placement on a lease site, it expands the sources of funds available to an aquaculture fund and it clarifies that Atlantic salmon raised for restoration purposes are not exempt from certain fishing prohibitions.

**Committee Amendment "A" (S-23)**

This amendment replaces the bill and adds an emergency preamble and an emergency clause. The amendment requires an elver harvester to provide, upon request of a law enforcement officer or elver dealer, a government-issued identification with the harvester's photograph and birth date. The amendment restricts the form of payment with respect to the sale and purchase of elvers to a check. The amendment converts many elver fishing violations that are currently civil violations to Class D crimes and requires courts to impose the maximum fine for those Class D crimes.

**Enacted Law Summary**

Public Law 2013, chapter 49 requires an elver harvester to provide, upon request of a law enforcement officer or elver dealer, a government-issued identification with the harvester's photograph and birth date and restricts the form of payment with respect to the sale and purchase of elvers to a check. It also converts many elver fishing violations that are currently civil violations to Class D crimes and requires courts to impose the maximum fine for those Class D crimes.

Public Law 2013, chapter 49 was enacted as an emergency measure effective April 24, 2013.

See enacted bill summary for LD 1545, which repeals the provision requiring licensed elver dealers and dealer's representatives to purchase elvers with a check.