

# 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

FIRST REGULAR SESSION



## 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 643      An Act To Create a Tax Incentive Program To Improve the Maine Lobster Industry**

**ONTP**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| JOHNSON C<br>KUMIEGA | ONTP                    |                           |

This bill provides a sales tax refund and exemption, beginning July 1, 2013, to encourage capital investment in commercial lobster processing companies in the State and creates a working group that will examine broader issues and make recommendations by January 15, 2014 for improving the competitiveness of commercial lobster processing companies in the State.

Part A of the bill creates a sales tax refund and exemption for the purchase of depreciable machinery and equipment for use in commercial lobster processing beginning July 1, 2013. It requires commercial lobster processing companies receiving the exemption and refund to, beginning January 1, 2014, report annually to the State Tax Assessor on their market share, number of employees, average salary or wages, employee benefits and the number of pounds of lobster processed. It gives the State Tax Assessor auditing authority and the authority to recapture ineligible refunds and exemptions of sales tax within 3 years after the date of the refund or purchase. Beginning March 1, 2014, the bill requires the State Tax Assessor to submit a report annually to the joint standing committee of the Legislature having jurisdiction over taxation matters. The report must include, from the commercial lobster processing companies reporting, aggregate data on market share, employment, wages, benefits and the number of pounds of lobster processed as well as the amount of tax expenditure attributable to the commercial lobster processing companies' receiving the refund and exemption. It requires the joint standing committee of the Legislature having jurisdiction over taxation matters to annually review the report provided by the State Tax Assessor and authorizes the joint standing committee of the Legislature having jurisdiction over taxation matters to issue a report of its findings and recommendations. It gives the joint standing committee of the Legislature having jurisdiction over taxation matters authority to submit a bill to the Legislature to implement recommendations resulting from the review. The sales tax refund and exemption available to commercial lobster processing companies expires June 30, 2018.

Part B of the bill creates a working group convened jointly by the Commissioner of Economic and Community Development and the Commissioner of Marine Resources to examine factors that undermine the competitiveness of Maine commercial lobster processing companies, the extent to which the Canadian lobster industry is subsidized and data on employment, wages, benefits, pounds of lobster processed and market share. It requires the working group to identify benchmarks that may be used to determine eligibility for the sales tax refund and exemption. It requires the working group to make recommendations for increasing commercial lobster processing in the State and identify strategies for strengthening the Maine lobster brand and the relationships within the industry to better promote Maine lobster and increase sales. It requires the working group to report, no later than January 15, 2014, findings and recommendations to the Joint Standing Committee on Taxation and the Joint Standing Committee on Marine Resources. It authorizes the Joint Standing Committee on Taxation and the Joint Standing Committee on Marine Resources to introduce a bill related to the subject matter of the report to the Second Regular Session of the 126th Legislature upon receipt of the report.

**LD 731      An Act To Increase the Number of Elver Harvesting Licenses and Preserve the Fishery through Conservation**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MAZUREK<br>WELSH  | ONTP                    |                           |

## *Joint Standing Committee on Marine Resources*

This bill establishes special elver fishing license lotteries in 2014 and 2015 under which a person who possessed an elver fishing license in 1996, 1997 or 1998 or a person who has never held an elver fishing license and is not otherwise eligible may obtain that license. Persons issued a license under these special lotteries may use one elver fyke net or one dip net to fish for or take elvers. The bill increases the overall number of pieces of gear that may be used for fishing for or taking elvers. The bill prohibits harvesting yearling elvers, as defined by the Commissioner of Marine Resources by rule and increases from two days to three days per week the closed period for elver fishing. The bill establishes the Eel and Elver Advisory Council to make recommendations to the commissioner and the Legislature regarding matters of interest to the State's eel and elver fishing industry. The bill requires the Department of Marine Resources to work with the Department of Inland Fisheries and Wildlife to establish an elver restocking program. See enacted law summary for LD 451.

**LD 748      An Act Regarding the Passage of River Herring on the St. Croix River      ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MACDONALD W       | ONTP                    |                           |

This bill requires the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to ensure by May 1, 2013 that fishways on the Woodland Dam and the Grand Falls Dam are configured in a manner that allows the unlimited passage of river herring. See enacted law summary for LD 72 and bill summary for LD 584.

**LD 778      An Act To Develop Principles To Guide Fisheries Management      ONTP**  
**Decisions**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| KUMIEGA<br>JOHNSON C | ONTP                    |                           |

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a means of determining the long-term goal of fisheries management in the State, including developing a method of outcome testing proposed legislation and rules. The joint standing committee of the Legislature having jurisdiction over marine resources matters would use the outcome testing to evaluate the effect of the proposed legislation or rules on fisheries management and include the Department of Marine Resources advisory committees and lobster management policy councils in the decision-making process.

The bill would require the periodic review of the fisheries management laws and goals in order to ensure that they remain pertinent and applicable. See enacted law summary for LD 811.

**LD 810      Resolve, To Amend the Lobster Trap Tag System Rules for Certain      ONTP**  
**Zones**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| CASAVANT<br>COLLINS | ONTP                    |                           |

This resolve directs the Commissioner of Marine Resources to amend Department of Marine Resources rule Chapter 25.08, A (3) concerning lobster fishing Zones F and G to reduce the number of lobster traps that a person may fish in the limited entry zone other than the person's declared lobster zone from 49% of the person's traps to