

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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

**MEMBERS:**

SEN. CHRISTOPHER K. JOHNSON, CHAIR  
SEN. EDWARD J. MAZUREK  
SEN. RICHARD G. WOODBURY

REP. WALTER A. KUMIEGA III, CHAIR  
REP. CHUCK KRUGER  
REP. RALPH CHAPMAN  
REP. MICHAEL GILBERT DEVIN  
REP. ELIZABETH E. DICKERSON  
REP. JEREMY G. SAXTON  
REP. WINDOL C. WEAVER  
REP. WAYNE R. PARRY  
REP. PETER DOAK  
REP. ELLEN A. WINCHENBACH

**STAFF:**

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

# 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*

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 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 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

## *Joint Standing Committee on Marine Resources*

25%.

**LD 811      An Act To Provide Guidance for the Development of Marine Fisheries  
Management Plans**

**PUBLIC 287**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN WOODBURY	OTP-AM	H-259

This bill establishes general requirements for the development of fisheries management plans by the Commissioner of Marine Resources, including objectives plans must seek to address and the management and scientific content for the plans. The bill also provides that the commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council. The bill requires that a management plan be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists.

**Committee Amendment "A" (H-259)**

This amendment adds to the bill the requirement that the fishery management plan for each species must include an ecosystem-based characterization of the species under consideration.

**Enacted Law Summary**

Public Law, chapter 287 establishes general requirements for the development of fisheries management plans by the Commissioner of Marine Resources, including objectives plans must seek to address and the management and scientific content for the plans. The bill also provides that the commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council. The bill requires that a management plan be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists. Public Law, chapter 287 also requires that the fishery management plan for each species must include an ecosystem-based characterization of the species under consideration.

**LD 832      An Act To Enable Small-scale Cooperative Management of Sea Urchin  
Resources**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN LANGLEY		

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

The purpose of the bill is to enable persons involved in the sea urchin fishery to increase economic return of sea urchin resources through resource enhancement and harvest control in designated areas.

This bill was 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).