

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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STATE OF MAINE

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 939 An Act To Authorize a General Fund Bond Issue To Restore Maine's Groundfishing Industry CARRIED OVER

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

This bill includes ongoing General Fund appropriations of \$3,500,000 annually to the Department of Marine Resources beginning in fiscal year 2013-14 for the purchase of federal groundfishing permits.

Committee Amendment "A" (S-152)

This amendment replaces the bill with a bond issue in the amount of \$3,500,000 for the purchase of federal groundfishing permits to enable Maine fishing vessels to land their catch in Maine.

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 946 An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields PUBLIC 230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-110

This bill gives the Commissioner of Marine Resources authority to establish by rule at the written request of a municipality dive-only areas in harbors where there are moorings within that municipality in which a person may not fish for or take scallops by any means other than by hand. This bill provides that dragging for scallops in a dive-only area is prohibited, and that a violation of this prohibition is a civil violation with mandatory fines.

Committee Amendment "A" (S-110)

This amendment gives the Commissioner of Marine Resources authority to establish by rule at the written request of a municipality in harbors where there are five or more moorings within that municipality dive-only areas in which a person may not fish for or take scallops by any means other than by hand. The bill does not specify a minimum number of moorings.

Enacted Law Summary

Public Law 2013, chapter 230 gives the Commissioner of Marine Resources authority to establish by rule at the written request of a municipality in harbors where there are five or more moorings within that municipality dive-only areas in which a person may not fish for or take scallops by any means other than by hand. It provides that dragging for scallops in a dive-only area is prohibited, and that a violation of this prohibition is a civil violation with mandatory fines.

LD 953 An Act To Provide for and Recognize the Right of the Houlton Band of Maliseet Indians To Fish for Marine Organisms PUBLIC 254

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAR	OTP-AM	H-225

Joint Standing Committee on Marine Resources

This bill provides the Houlton Band of Maliseet Indians the same rights regarding the taking of marine organisms as are provided to the other federally recognized Indian tribes in this State, including the right to issue certain commercial licenses and permits for the taking of marine organisms and the right of members of the band to take, possess, transport and distribute marine organisms for sustenance and ceremonial uses. The bill limits the number of lobster and crab fishing licenses issued by the band to 25, the number of sea urchin licenses to 24, the number of scallop licenses to 10 and the number of elver licenses to 25. The bill also increases the number of elver licenses that may be issued by the Penobscot Nation to 50 and the number that may be issued by the Aroostook Band of Micmacs to 25.

Committee Amendment "A" (H-225)

This amendment replaces the bill and provides the Houlton Band of Maliseet Indians the same rights regarding the taking of marine organisms as are provided to the other, federally recognized, Indian tribes in this State, including the right to issue certain commercial licenses and permits for the taking of marine organisms and the right of members of the band to take, possess, transport and distribute marine organisms for sustenance and ceremonial uses. The amendment limits the number of lobster and crab fishing licenses issued by the band to 10, the number of sea urchin licenses to 24 and the number of scallop licenses to 10.

Enacted Law Summary

Public Law 2013, chapter 254 provides the Houlton Band of Maliseet Indians the same rights regarding the taking of marine organisms as are provided to the other, federally recognized, Indian tribes in this State, including the right to issue certain commercial licenses and permits for the taking of marine organisms and the right of members of the band to take, possess, transport and distribute marine organisms for sustenance and ceremonial uses. The amendment limits the number of lobster and crab fishing licenses issued by the band to 10, the number of sea urchin licenses to 24 and the number of scallop licenses to 10.

LD 1020 An Act Regarding the Swans Island Lobster Fishing Zone

**PUBLIC 342
EMERGENCY**

Sponsor(s)

KUMIEGA

Committee Report

OTP-AM

Amendments Adopted

H-408

This bill establishes in statute the Swans Island Lobster Conservation Area. Under this bill, the maximum allowable number of lobster traps and tags per individual registered to obtain Swans Island Lobster Conservation Area trap tags is 550.

Committee Amendment "A" (H-408)

This amendment clarifies the eligibility requirements for Swans Island Conservation Area lobster trap tags. It ensures that a person eligible to take lobsters in the limited-entry zone in which Swans Island is located pursuant to the Department of Marine Resources Rule Chapter 25.90: Swans Island Area Lobster Trap Regulation is eligible to obtain the tags. It also provides that a person who declared the lobster management zone that includes the Swans Island Lobster Conservation Area in the prior calendar year is eligible to obtain Swans Island Lobster Conservation Area trap tags.

Enacted Law Summary

Public Law 2013, chapter 342 does the following.

1. It establishes in statute the Swans Island Lobster Conservation Area. Under this law, the maximum allowable number of lobster traps and tags per individual registered to obtain Swans Island Lobster Conservation Area trap tags is 550.