

# 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  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

May 2014

**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  
SECOND REGULAR SESSION  
**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged 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.

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 Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. 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 1603 An Act Regarding Wet Storage Sites for Cultured Marine Organisms**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN JOHNSON C	ONTP OTP-AM	

This bill establishes a permit system to allow aquaculture leaseholders and licensees to conduct wet storage of cultured organisms. The permit system is similar to the permit system for dealers established by rule by the Department of Marine Resources.

**Committee Amendment "A" (H-768)**

This amendment, which is the minority report, replaces the bill and establishes a winter holding aquaculture lease to allow aquaculture lease and license holders to store shellstock from growing areas in order to access their product during winter months when rivers are frozen and lease sites are not accessible due to ice. The leasing process is similar to that established for standard and experimental aquaculture leases.

**LD 1604 An Act To Make Technical Changes to Marine Resources Laws**

**PUBLIC 492  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEAVER WOODBURY	OTP-AM	H-682

This bill makes technical changes to Maine's marine resources laws. It clarifies that an individual with an enhanced retail certificate may not designate a vehicle as the individual's establishment. It clarifies that rule violations are strict liability offenses. It changes the licensing year of the commercial green-crab-only license and lowers the cost of the license. Finally, it clarifies that a judgment of guilt is considered a conviction or adjudication during the pendency of appeal.

**Committee Amendment "A" (H-682)**

This amendment adds an emergency preamble and clause to the bill.

This amendment amends a provision in the bill to clarify that a conviction of a crime is considered a conviction and an adjudication of a civil violation is considered an adjudication during the pendency of appeal.

The amendment lowers the license surcharge for a nonresident lobster and crab landing permit beginning in 2014.

The amendment clarifies that licensed diving tenders may sell scallops to a wholesale seafood license holder regardless of whether the license holder holds a sea urchin buyer's or processor's permit.

The amendment adjusts the amount of shell scallops permitted in the personal use exemption in the scallop licensing laws from one bushel to one-and-a-half bushels.

The amendment allows the holder of a marine worm dealer's license and a wholesale seafood dealer's license to purchase and sell green crabs without a green crab only license. It also authorizes a holder of a Class I, Class II, Class III or student lobster and crab fishing license to fish for or take green crabs without a commercial green-crab-only license and to sell green crabs without a commercial green crab only license.