

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

May 2014

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STATE OF MAINE
126TH 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 HOUSESHouse & 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
EMERGENCYenacted 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 126th 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.

Joint Standing Committee on Marine Resources

Finally, the amendment sets February 1st as the deadline for issuing an elver dealer's license for the current licensing year. Currently, the law sets February 1st of the current year as the deadline for issuing an elver dealer's license for the following licensing year.

Enacted Law Summary

Public Law 2013, chapter 492 makes the following changes to Maine's marine resources laws:

1. Clarifies that an individual with an enhanced retail certificate may not designate a vehicle as the individual's establishment;
2. Eliminates the provision of the bill that clarifies that rule violations are strict liability offenses;
3. Changes the licensing year of the commercial green-crab-only license and lowers the cost of the license;
4. Clarifies that a judgment of guilt is considered a conviction or adjudication during the pendency of appeal. Specifically, it clarifies 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;
5. Lowers the license surcharge for a nonresident lobster and crab landing permit beginning in 2014;
6. 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;
7. 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;
8. 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; and
9. Sets February 1st as the deadline for issuing an elver dealer's license for the current licensing year. Currently, the law sets February 1st of the current year as the deadline for issuing an elver dealer's license for the following licensing year.

Public Law 2013, chapter 492 was enacted as an emergency measure effective March 22, 2014.

LD 1605 An Act To Amend Maine's Aquaculture Laws

PUBLIC 509

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN	OTP-AM ONTP	H-703

This bill makes a number of changes to Maine's aquaculture laws, including creating a violation provision for aquaculture leases and limited-purpose leases and clarifying that holders of limited-purpose aquaculture licenses may place marine organisms on the ocean bottom without gear and that the product associated with the license is protected. It creates a reporting requirement for limited-purpose aquaculture license holders. It provides that lease holders may sell their product from their lease sites in the retail trade. It creates an exemption from the requirement to have a cultchless American oyster growers license for those individuals who hold an aquaculture lease or limited-purpose aquaculture license.