

# MAINE STATE LEGISLATURE

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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

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**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*

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**

Sponsor(s)

DEVIN

Committee Report

OTP-AM  
ONTP

Amendments Adopted

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.

## *Joint Standing Committee on Marine Resources*

### **Committee Amendment "A" (H-703)**

This amendment, which is the majority report of the committee, corrects a cross-reference to the confidentiality of statistics.

This amendment clarifies that the prohibition against a person other than a marine patrol officer or a license holder taking products from an area designated by a limited-purpose aquaculture license applies only to those organisms being grown that are listed on the license.

This amendment clarifies that the exception to growing cultchless American oysters is specific to a person who holds a lease or license that authorizes the culture of American oysters.

The amendment removes the requirement in the laws concerning aquaculture leases that authorization to delete species or gear be consistent with findings made when the lease was approved and removes the requirement that notice of proposed changes in gear authorization be provided to the lessee.

Finally, the amendment removes duplicative language in the section on limited-purpose aquaculture leases regarding the commissioner's rulemaking authority regarding gear and species amendments.

### **Enacted Law Summary**

Public Law 2013, chapter 509 makes the following changes to Maine's aquaculture laws:

1. Creates a violation provision for standard and limited-purpose aquaculture leases and licenses and clarifies 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;
2. Creates a reporting requirement for limited-purpose aquaculture license holders;
3. Provides that lease holders may sell their product from their lease sites in the retail trade;
4. Creates an exemption from the requirement to have a cultchless American oyster growers license for an individual who holds an aquaculture lease or limited-purpose aquaculture license that is specific to the person who holds the lease or license that authorizes the culture of American oysters;
5. Corrects a cross-reference to the confidentiality of statistics;
6. Clarifies that the prohibition against a person other than a marine patrol officer or a license holder taking products from an area designated by a limited-purpose aquaculture license applies only to those organisms being grown that are listed on the license;
7. Removes the requirement in the laws concerning aquaculture leases that authorization to delete species or gear be consistent with findings made when the lease was approved and removes the requirement that notice of proposed changes in gear authorization be provided to the lessee; and
8. Removes duplicative language in the section on limited-purpose aquaculture leases regarding the commissioner's rulemaking authority regarding gear and species amendments.