

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
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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 1625

An Act Concerning Maine's Elver Fishery

**PUBLIC 485
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-686
BURNS	OTP-AM	H-700 BEAR

This bill provides that a license to take marine organisms issued to a member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians by the tribe, nation or band is not valid until it has been submitted to the Department of Marine Resources and the license holder has received written confirmation that the license is valid. It creates a separate provision of law that describes the activities in which a person who holds an elver fishing license may engage. It clarifies that individuals who hold elver fishing licenses that authorize them to fish with elver fyke nets may assist each other in handling the nets, as long as the license holder to whom the elver fyke net tag has been issued is present and assisting. This bill criminalizes the violation of assisting in the illegal harvest of elvers. It removes the provision governing supplemental licenses for vehicles for elver dealers beginning with the 2015 elver fishing season.

Committee Amendment "A" (H-686)

This amendment, which is the majority report of the committee and replaces the bill, authorizes the Commissioner of Marine Resources to establish by rule an elver fishing weight quota for the State and allocate elver individual fishing quotas to elver harvesters licensed by the State by a formula that may take into account previous years' landings. This amendment also directs the commissioner to set aside a share of the overall quota and divide it among the federally recognized Indian tribes in Maine unless the tribes propose by March 1st of the calendar year in which the quota is allocated an alternate division of that portion of the quota that is allocated to them. The commissioner shall allocate that portion of the quota in accordance with that proposed division. This amendment makes it a Class D strict liability crime with a mandatory \$2,000 fine to violate prohibitions on possessing or selling elvers in excess of a person's elver individual fishing quota and on fishing after a person's elver individual fishing quota has been met.

Committee Amendment "B" (H-687)

This amendment, which is the minority report of the committee and replaces the bill, authorizes the Commissioner of Marine Resources to establish by rule an elver fishing quota for the State and to allocate elver individual fishing quotas to elver harvesters licensed by the State and Maine's federally recognized Indian tribes by a formula that may take into account previous years' landings. The majority report allocates a portion of the State's overall elver fishing quota to the tribes and directs each of the tribes to assign elver individual fishing quotas to its members. This amendment leaves in place the statute limiting the number of elver fishing licenses that may be issued by the Passamaquoddy Tribe to tribal members to 200 licenses. This amendment makes it a Class D strict liability crime with a mandatory \$2,000 fine for violating prohibitions on possessing, fishing for or selling elvers in excess of a person's elver individual fishing quota and on fishing after a person's elver individual fishing quota has been met.

House Amendment "B" To Committee Amendment "A" (H-700)

This amendment requires that a buyer of elvers post, at the point of sale, the price that the buyer will pay.

Enacted Law Summary

Public Law 2013, chapter 485 does the following.

1. It authorizes the Commissioner of Marine Resources to establish by rule an elver fishing weight quota for the State and allocate elver individual fishing quotas to elver harvesters licensed by the State by a formula that may take into account previous years' landings. If the overall annual quota that is allocated to elver fishing license holders is collectively exceeded, the number of pounds by which the license holders exceeded the overall annual quota must

Joint Standing Committee on Marine Resources

be deducted from the following year's overall annual quota allocated to license holders. If the overage exceeds the overall annual quota allocated to license holders for the following year, the overage must be deducted from the overall annual quota allocated to license holders in subsequent years until the entire overage has been accounted for.

2. If the commissioner adopts an elver individual fishing quota system for the State, the law directs the commissioner to set aside a share of the overall quota and divide it among the federally recognized Indian tribes in Maine unless the tribes propose by March 1st of the calendar year in which the quota is allocated an alternate division of that portion of the quota that is allocated to them. The commissioner shall allocate that portion of the quota in accordance with that proposed division.
3. It stipulates that if an elver individual fishing quota system is adopted for the State, the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs and Houlton Band of Maliseet Indians shall allocate to each member of the tribe, nation or band to whom a license is issued a specific amount of the quota that is allocated to that tribe, nation or band and provide documentation to the Department of Marine Resources of that allocation for each individual license holder. The department will issue elver transaction cards to tribal members with elver fishing licenses once it has received documentation specifying the individual quota allocated to that person by the tribe, nation or band.
4. It adds a cross-reference to the section (above) establishing the elver quota for federally recognized Indian tribes in the State in the section of law enacted in Public Law 2013, chapter 468 (LD 1723) that established the elver transaction card that contains the license holder's name and license number and which must be used by elver fishing license holders to meet electronic reporting requirements.
5. It makes it a Class D strict liability crime with a mandatory \$2,000 fine to violate prohibitions on possessing or selling elvers in excess of a person's elver individual fishing quota and on fishing after a person's elver individual fishing quota has been met. A first offense is grounds for suspension and a second offense is cause for permanent revocation of one's elver fishing license.
6. It establishes an administrative procedure for assessing a penalty for pecuniary gain realized as a result of violations of the provisions of elver individual fishing quotas or for violations of the provisions governing elver dealer's licenses. Any payments for administrative penalties collected as a result of these infractions must be deposited into the existing Eel and Elver Management Fund.
7. It establishes resident and nonresident elver fishing licenses with crew, for either one or two devices.
8. It limits the Passamaquoddy Tribe to issue commercial elver fishing licenses that allow the taking of elvers with an elver fyke net to only six members of the tribe in any calendar year. A license that allows the taking of elvers with an elver dip net may be issued to any member of the tribe not authorized to use an elver fyke net.
9. It requires that a buyer of elvers post, at the point of sale, the price that the buyer will pay.

Public Law 2013, chapter 485 was enacted as an emergency measure effective March 18, 2014.

See also bill summary for LD 1397 and enacted law summary for LD 1723.

**LD 1687 An Act To Create Parity for Proprietary Information Submitted to the
Department of Marine Resources**

PUBLIC 512

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS LANGLEY	OTP-AM	H-715