

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

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

Joint Standing Committee on Marine Resources

This bill allows certain businesses licensed under the marine resources laws to request that certain information submitted to the Department of Marine Resources be kept confidential to protect proprietary business information. It also corrects two references to confidential statistical landings information collected under aquaculture leases and licenses.

Committee Amendment "A" (H-715)

This amendment strikes the provision in the bill that specifies that information collected by any governmental entity other than the Department of Marine Resources is not confidential.

Enacted Law Summary

Public Law 2013, chapter 512 allows certain businesses licensed under the marine resources laws to request that certain information submitted to the Department of Marine Resources, including information that is also collected by any other governmental entity, be kept confidential to protect proprietary business information. It also corrects two references to confidential statistical landings information collected under aquaculture leases and licenses.

LD 1689	An Act To Encourage and Protect Innovation in Fisheries, Aquaculture and Seafood Processing	PUBLIC 518
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS JOHNSON C	OTP	

This bill provides that records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources are not subject to disclosure under the Freedom of Access Act.

Enacted Law Summary

Public Law 2013, chapter 518 provides that records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources are not subject to disclosure under the Freedom of Access Act.

LD 1723	An Act To Improve Enforcement of Marine Resources Laws	PUBLIC 468 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOAK	OTP-AM	H-672 H-680 KUMIEGA

This bill amends the laws governing the enforcement of marine resources laws in the following ways.

1. It allows the Commissioner of Marine Resources to enter into an interstate wildlife violator compact and allows the commissioner to suspend or revoke the licenses of individuals whose licenses have been suspended or revoked for violations of marine resources law in other member states.

2. It increases the limit on the value of items seized by a marine patrol officer that need not be subject to judicial process for the disposition of property seized by the government from \$75 to \$200. It provides for the notice of judicial process for the disposition of property seized by the government to be mailed to the individual from whom the items were seized, in addition to the existing requirement to post notice in the municipality or place where the items were seized. It specifies the process for the sale or disposition of marine organisms prior to judicial process for the disposition of property seized by the government.