

# 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*

tending or removing the net or trap.

16. It prohibits fishing for or taking elvers from noon Friday to noon Sunday. Current law prohibits fishing for or taking elvers from noon Tuesday to noon Wednesday and from noon Saturday to noon Sunday.

17. It restricts elver fishing to the use of elver dip nets only and prohibits the use of elver fyke nets to fish for or take elvers in the St. Croix River.

18. It clarifies that payment for elvers, which already must be by check or cashier's check and must identify both the seller and the buyer, must indicate the buyer under whose license the landings will be reported.

19. It clarifies that a retail seafood license is required to sell shellstock, crayfish, lobsters and any marine organism that is purchased directly from a harvester.

20. It authorizes the commissioner to delay the start to the 2014 elver fishing season if necessary in order to establish, implement and administer the elver transaction card system.

21. It repeals the law that makes it a civil violation with a \$2,000 mandatory fine to assist in the illegal harvest of elvers, in order to make it a strict liability offense. It also removes the provision in Committee Amendment "A" that proposes to criminalize this action. It is a Class D strict liability offense under the existing law. In accordance with Title 12, section 6204, the general penalty for violating any provision of marine resources' laws, including assisting in the illegal harvest of elvers, is a Class D strict liability crime. The Department of Marine Resources may also enforce the prohibition against assisting in the illegal harvest of elvers based on liability accomplice in Title 17, section 57.

Public Law 2013, chapter 468 was enacted as an emergency measure effective March 13, 2014.

See also bill summary for LD 1397 and enacted law summary for LD 1625.

**LD 1830**

### **An Act To Further the Implementation of the Rockweed Fishery Management Plan**

**PUBLIC 558**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM	H-807

This bill changes the existing law for seaweed harvesting rules to make the rules for the allocation to sectors major substantive and not routine technical rules, as is currently the case. This bill also directs the Commissioner of Marine Resources to convene a working group that will identify criteria for the designation of no-harvest areas for conservation and to identify specific areas that are to be closed to rockweed harvesting, except for research purposes, on a seasonal or permanent basis according to the criteria identified by the working group. The commissioner is required to complete and present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 31, 2015 a statewide management plan for rockweed. The committee is authorized to report out legislation to the First Regular Session of the 127th Legislature related to the plan.

#### **Committee Amendment "A" (H-807)**

This amendment, which is the majority report and replaces section 2 of the bill, requires the Commissioner of Marine Resources to provide an update to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 31, 2015, on the implementation of the Rockweed Fishery Management Plan.

The bill requires submission of a statewide management plan for rockweed and contains specific parameters for

## *Joint Standing Committee on Marine Resources*

convening a working group to develop criteria to be used for designating areas closed to harvest or that are seasonally closed to harvest and to propose specific areas for those designations. The amendment leaves the working group's composition to the commissioner and clarifies that its purpose is to complete the work on developing criteria for areas that are to be seasonally or permanently closed to harvest as recommended by the Rockweed Fishery Management Plan and to determine a process for maintaining and adjusting those designations as necessary.

The amendment requires that the working group include scientists and experts with expertise relevant to this fishery and that each criterion adopted be supported by scientific or legal reasoning.

The amendment requires the update to identify:

1. The membership of the working group that is convened pursuant to the fisheries management plan;
2. The criteria and recommended process to define and designate areas closed to harvest or areas that are seasonally closed to harvest; and
3. The working group's progress in identifying areas closed to harvest or areas that are seasonally closed to harvest.

The amendment authorizes the joint standing committee of the Legislature having jurisdiction over marine resources matters to report out a bill related to the implementation of the Rockweed Fishery Management Plan.

### **Committee Amendment "B" (H-808)**

This amendment, which is the minority report, replaces the bill and differs from the majority report in that it makes major substantive the rules establishing areas closed to harvesting rockweed or areas that are seasonally closed to harvesting rockweed.

### **Enacted Law Summary**

Public Law 2013, chapter 558 designates seaweed harvesting rules for the allocation to sectors as major substantive rules. It also requires the Commissioner of Marine Resources to provide an update to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 31, 2015, on the implementation of the Rockweed Fishery Management Plan. As recommended in the Rockweed Fishery Management Plan, the commissioner is tasked with convening a working group whose purpose is to develop criteria to be used to designate areas that are to be seasonally or permanently closed to harvest and recommend a process for maintaining and adjusting those designations as necessary. The working group must include scientists and other experts in this fishery. Each criterion adopted by the working group must be supported by scientific or legal reasoning.

The commissioner's update on the plan must identify:

1. The membership of the working group that is convened pursuant to the fisheries management plan;
2. The criteria and recommended process to define and designate areas closed to harvest or areas that are seasonally closed to harvest; and,
3. The working group's progress in identifying areas closed to harvest or areas that are seasonally closed to harvest.

The joint standing committee of the Legislature having jurisdiction over marine resources matters is authorized to report out a bill related to the implementation of the Rockweed Fishery Management Plan.