

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

August 2015

**STAFF:**

CRAIG NALE, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

**MEMBERS:**

SEN. LINDA L. BAKER, CHAIR  
SEN. BRIAN D. LANGLEY  
SEN. DAVID R. MIRAMANT

REP. WALTER A. KUMIEGA III, CHAIR  
REP. MICHAEL G. DEVIN  
REP. ROBERT W. ALLEY, SR.  
REP. LYDIA BLUME  
REP. JOYCE MCCREIGHT  
REP. JEFFREY K. PIERCE  
REP. KEVIN J. BATTLE  
REP. STEPHANIE HAWKE  
REP. DAVID P. SAWICKI  
REP. WILLIAM R. TUELL

# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and 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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 98      An Act Amending the Trap Limit for the Swans Island Lobster Conservation Area**

**PUBLIC 50  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY KUMIEGA	OTP-AM	S-24

This bill increases the number of traps that an individual registered to obtain Swans Island Lobster Conservation Area trap tags may place or maintain in the Swans Island Lobster Conservation Area from 550 to 600.

**Committee Amendment "A" (S-24)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2015, chapter 50 increases the number of traps that an individual registered to obtain Swans Island Lobster Conservation Area trap tags may place or maintain in the Swans Island Lobster Conservation Area from 550 to 600.

Public Law 2015, chapter 50 was enacted as an emergency measure effective April 30, 2015.

**LD 178      Resolve, Directing the Department of Marine Resources To Conduct an Impact Study in the St. George River Estuary**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KRUGER GERZOFSKY	ONTP	

This resolve directs the Department of Marine Resources to conduct an impact study in the intertidal area of the St. George River estuary in collaboration with the Georges River Regional Shellfish Management Committee and the member towns on the effects of harvesting marine worms and softshell clams in the same intertidal area in order to develop the best management practices in harvesting both species in the same area. The resolve directs the department to report its findings and any recommended legislation to the Joint Standing Committee on Marine Resources.

**LD 222      An Act To Reduce Commercial Shellfish License Fees for Persons under 18 Years of Age**

**PUBLIC 355**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL BURNS	OTP-AM	H-33

This bill reduces a commercial shellfish license for persons under 18 years of age to \$67.

**Committee Amendment "A" (H-33)**

This amendment delays the effective date of the bill to May 1, 2016.

**Enacted Law Summary**

Public Law 2015, chapter 355 reduces a commercial shellfish license for persons under 18 years of age to \$67

**Joint Standing Committee on Marine Resources**

effective May 1, 2016.

**LD 255      An Act To Preserve the Integrity of Maine's Shellfish Industry by  
Increasing the Penalty for Interfering with Permitted Harvest**

**PUBLIC 225**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY KUMIEGA	OTP-AM	S-84

This bill increases the fine for a person who commits a civil violation of interfering with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted under the permit. The fine is changed from not less than \$100 nor more than \$500 to not less than \$500 nor more than \$2,000. The bill also clarifies that the prohibited action includes disturbing or molesting shellfish, not only the taking of shellfish.

**Committee Amendment "A" (S-84)**

This amendment replaces the bill. Unlike the bill, it excludes the designee of a holder of a municipal shellfish aquaculture permit from potential liability for taking, disturbing or molesting any shellfish on the permit site.

This amendment reduces the maximum penalty for a person who interferes with the ability of a permittee to carry out the privileges granted under the permit from \$2,000, as provided in the bill, to \$1,000 and provides restitution by that person to the permittee in an amount equal to twice the replacement value of any damaged equipment on the permit site.

**Enacted Law Summary**

Public Law 2015, chapter 225 increases the fine for a person who commits a civil violation of interfering with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted under the permit. The fine is changed from not less than \$100 nor more than \$500 to not less than \$500 nor more than \$1,000 and provides restitution by that person to the permittee in an amount equal to twice the replacement value of any damaged equipment on the permit site. The law clarifies that the prohibited action includes disturbing or molesting shellfish, not only the taking of shellfish. It excludes the designee of a holder of a municipal shellfish aquaculture permit from potential liability for taking, disturbing or molesting any shellfish on the permit site.

**LD 353      An Act To Authorize a Temporary Medical Transfer of an Elver  
Individual Fishing Quota**

**PUBLIC 131**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J	OTP-AM	H-63 H-133   KUMIEGA

This bill repeals provisions of law prescribing methods of elver fishing license and gear lotteries and implements a new elver fishing license lottery to be held before February 15th of each year beginning in 2016. This bill amends Maine's elver licensing laws to provide for the selection of elver gear types by elver fishermen, to be implemented via rulemaking before the 2016 elver fishing season. Additionally, this bill amends Maine's individual elver quota system to provide for transferability of individual quotas, to be implemented via rulemaking before the 2016 elver fishing season.

**Committee Amendment "A" (H-63)**

This amendment provides that the Commissioner of Marine Resources may authorize a temporary transfer of the elver individual fishing quota allocated to the holder of an elver fishing license to another holder of an elver fishing license. In order to be eligible to transfer quota, the transferor of the quota must have experienced a substantial