

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

August 2015

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STATE OF MAINE

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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 127th 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.

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 First Regular Session of the 127th 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

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