

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

127TH LEGISLATURE

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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.

<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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 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.

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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

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illness or medical condition, must request the transfer in writing prior to March 1st of the fishing year and must have reported elver landings in the prior fishing year. The Commissioner of Marine Resources is authorized to adopt rules that would allow a temporary medical transfer requested after March 1st to address emergency medical conditions and must submit the rules or a written justification for not adopting rules to the Joint Standing Committee on Marine Resources by January 31, 2016.

House Amendment "A" To Committee Amendment "A" (H-133)

This amendment removes the requirement in Committee Amendment "A" that the Commissioner of Marine Resources submit the rules adopted, or a written justification for not adopting rules, that provide a method for authorizing a temporary medical transfer of the elver individual fishing quota allocated to the holder of an elver fishing license to another holder of an elver fishing license after March 1st to address emergency medical conditions to the Joint Standing Committee on Marine Resources.

Enacted Law Summary

Public Law 2015, chapter 131 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 illness or medical condition, must request the transfer in writing prior to March 1st of the fishing year and must have reported elver landings in the prior fishing year.

LD 405 An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon in Downeast Rivers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL BURNS		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to explore funding competitive grants to establish hatcheries supporting wild Atlantic salmon based on the success of and knowledge gained by the East Machias Aquatic Research Center.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 425 An Act To Prohibit False Labeling of Marine Organisms Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHAPMAN	ONTP OTP	

This bill requires clear and conspicuous labeling of a marine organism offered for sale if the marine organism is produced using genetic engineering and is labeled with the same name as its nongenetically engineered counterpart. Failure to provide the required labeling is a civil violation.