

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

May 2016

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STAFF:

CRAIG NALE, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla>

STATE OF MAINE

127TH LEGISLATURE

SECOND 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 Second 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 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 July 29, 2016. 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

agencies.

Enacted Law Summary

Resolve 2016, chapter 76 directs the Department of Marine Resources, Department of Environmental Protection, Department of Inland Fisheries and Wildlife and Department of Agriculture, Conservation and Forestry to consider the potential for the generation, management, mitigation and effects of marine debris related to actions of those agencies.

LD 493

An Act To Create the Ocean Acidification Council

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M JOHNSON C	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes the Ocean Acidification Council to identify, study, prevent, remediate and mitigate the direct and indirect effects of coastal and ocean acidification on species that are commercially harvested and grown in the State's coastal and ocean environments.

It provides for sixteen council members, including two members of the Senate, three members of the House of Representatives, two representatives of an environmental or community group, three persons who fish commercially, including at least one aquaculturist, three scientists and the Commissioner of Marine Resources, the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry or those commissioners' designees.

The powers and duties of the council include, but are not limited to, the following:

1. Reviewing, analyzing and studying the existing scientific literature and data on coastal and ocean acidification and how it has directly or indirectly affected or may potentially affect commercially harvested and grown species along the coast of the State;
2. Identifying and monitoring the factors contributing to coastal and ocean acidification and identifying methods to mitigate acidification;
3. Working to implement the recommendations contained in the December 2014 report of the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown Along the Maine Coast established by Resolve 2013, chapter 110;
4. Advising state agencies, the Legislature, Maine's congressional delegation, the Governor and federal entities on matters of coastal and ocean acidification;
5. Assisting the Legislature and the Governor with pending legislation related to coastal and ocean acidification including giving testimony at a public hearing on legislation before a joint standing committee of the Legislature;
6. Identifying and promoting economic development opportunities afforded by ocean acidification through development and commercialization of new technologies and businesses;
7. Recommending or submitting legislation to the Legislature relating to coastal and ocean acidification matters; and

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8. Holding public hearings to receive testimony and recommendations from members of the public and qualified experts on matters related to coastal and ocean acidification.

This bill also requires the council to submit an annual report to the Legislature and authorizes the council to accept funding from outside sources and contains a provision repealing the laws establishing the council December 31, 2018.

LD 1502 An Act To Provide Flexibility in the Administration of the Elver Fishery

**PUBLIC 391
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W LANGLEY B	OTP-AM	H-530

This bill requires the Commissioner of Marine Resources to set by rule prior to the start of the elver fishing season the weekly 48-hour closed period for elver harvesting to increase fishing opportunities. It eliminates the provision of current law that provides a weekly closed period from noon Friday to noon Sunday.

Committee Amendment "A" (H-530)

This amendment is the majority report of the committee.

This amendment replaces the bill and changes the title.

This amendment allows a license holder in the elver fishery to choose which type of elver fishing gear the license holder employs.

This amendment allows the Commissioner of Marine Resources to enter into an agreement with a federally recognized Indian tribe that does not require allocation of individual quota, as long as all elvers caught by the tribe, nation or band with whom the commissioner has entered into the agreement are tracked using elver transaction cards and reporting requirements are met.

This amendment provides that, in the absence of an agreement between the commissioner and a federally recognized Indian tribe, individual allocations of elver fishing quota are required. This amendment provides that the commissioner may adopt emergency rules to close the elver fishery to a federally recognized Indian tribe if the commissioner finds that the tribe, nation or band has authorized fishing under a license issued under the Maine Revised Statutes, Title 12 that will cause the tribe, nation or band to exceed its overall annual elver fishing quota. This amendment extends the end of the elver fishing season from May 31st to June 7th. This amendment removes the provision of law that prohibits the taking of elvers from noon Friday to noon Sunday. It also removes the prohibition on the use of an elver fyke net to take elvers from the St. Croix River and its tributaries.

Enacted Law Summary

Public Law 2016, chapter 391 allows a license holder in the elver fishery to choose which type of elver fishing gear the license holder employs. Public Law 2016, chapter 391 permits the Commissioner of Marine Resources to enter into an agreement with a federally recognized Indian tribe that does not require allocation of individual quota, as long as all elvers caught by the tribe, nation or band with whom the commissioner has entered into the agreement are tracked using elver transaction cards and existing reporting requirements are met. In the absence of an agreement between the commissioner and a federally recognized Indian tribe, individual allocations of elver fishing quota are required within the tribe, nation or land. The commissioner may adopt emergency rules to close the elver fishery to a federally recognized Indian tribe if the commissioner finds that the tribe, nation or band has authorized fishing under a license issued under the Maine Revised Statutes, Title 12 that will cause the tribe, nation or band to exceed its overall annual elver fishing quota.