

# 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*

This amendment provides that an aquaculture lease or license holder is exempt from the requirement to hold a spat collection license if the species is listed on that person's lease or license and the species is commercially cultured.

This amendment clarifies that a holder of a spat collection license is not required to hold a separate license for harvesting the species identified on the spat collection license for harvesting up to the maximum size of spat of that species, as specified by rule adopted by the commissioner. This amendment reduces the fee for a spat collection license from \$143 to \$75.

This amendment establishes an effective date of January 1, 2016.

### **Enacted Law Summary**

Public Law 2015, chapter 199 creates a spat collection license. This law specifies that "spat" means sea scallops or blue mussels in the post-larval stage that have gone through metamorphosis and settled on a substrate and provides that the Commissioner of Marine Resources may add additional species to this definition by rule.

It provides that an aquaculture lease or license holder is exempt from the requirement to hold a spat collection license if the species is listed on that person's lease or license and the species is commercially cultured.

It clarifies that a holder of a spat collection license is not required to hold a separate license for harvesting the species identified on the spat collection license for harvesting up to the maximum size of spat of that species, as specified by rule adopted by the commissioner.

It reduces the fee for a spat collection license from \$143 to \$75.

Public Law 2015, chapter 199 is effective January 1, 2016.

**LD 730**

**An Act To Make Technical Changes to Maine's Marine Resources Laws**

**PUBLIC 68**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BAKER<br>KUMIEGA  | OTP-AM                  | S-41                      |

This bill makes several technical and clarifying changes to Maine's marine resources laws. The bill:

1. Eliminates the requirement to record a research or aquaculture lease in the county registry of deeds;
2. Clarifies that a student lobster and crab fishing license holder may designate up to three sponsors;
3. Deletes the Kittery lobster trawl limit from statute. All other trawl limits are in department rule;
4. Clarifies that a student lobster and crab fishing license holder must declare a lobster management zone and may not fish a majority of the license holder's gear outside the declared zone;
5. Provides that the coordinates for the Swans Island Lobster Conservation Area are presented in latitude and longitude format and not Loran format;
6. Allows nonresidents who hold aquaculture leases or limited-purpose aquaculture licenses to be issued commercial shellfish licenses. Current law restricts commercial shellfish licenses to Maine residents;
7. Eliminates the limited wholesale shellfish harvester's license; and

**Joint Standing Committee on Marine Resources**

8. Clarifies the method for closing a municipal flat to depuration harvesting when the municipality is conducting pollution abatement activities.

**Committee Amendment "A" (S-41)**

This amendment strikes out a provision in the bill allowing nonresidents who hold aquaculture leases or limited-purpose aquaculture licenses to be issued commercial shellfish licenses.

**Enacted Law Summary**

Public Law 2015, chapter 68 makes several technical and clarifying changes to Maine's marine resources laws. The law:

1. Eliminates the requirement to record a research or aquaculture lease in the county registry of deeds;
2. Clarifies that a student lobster and crab fishing license holder may designate up to three sponsors;
3. Deletes the Kittery lobster trawl limit from statute. All other trawl limits are in department rule;
4. Clarifies that a student lobster and crab fishing license holder must declare a lobster management zone and may not fish a majority of the license holder's gear outside the declared zone;
5. Provides that the coordinates for the Swans Island Lobster Conservation Area are presented in latitude and longitude format and not Loran format;
6. Eliminates the limited wholesale shellfish harvester's license; and
7. Clarifies the method for closing a municipal flat to depuration harvesting when the municipality is conducting pollution abatement activities.

**LD 800      An Act To Prevent Passage of Alewives through the Grand Falls Dam on the St. Croix River      ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TURNER<br>DAVIS   | ONTP                    |                           |

This bill requires the fishway on the Grand Falls Dam located on the St. Croix River to be configured or operated to prevent passage of river herring into the lakes that form the headwaters of the river, including, but not limited to, Grand Falls Flowage, Big Lake, West Grand Lake and Spednic Lake.

**LD 896      An Act To Improve Lobster Licensing      Accepted Majority (ONTP) Report**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ALLEY<br>BURNS    | ONTP<br>OTP             |                           |

This bill provides that the holder of a Class I, Class II or Class III lobster and crab fishing license may transfer the license to the buyer of the transferor's vessel and lobster and crab fishing traps if the transferee has completed the apprentice program under the Maine Revised Statutes, Title 12, section 6422.