

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

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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.

Joint Standing Committee on Marine Resources

close areas to commercial rockweed harvest upon approval of the majority of voters in a municipal referendum.

LD 1227 An Act To Provide for Improved Reporting of Marine Resources Landings

PUBLIC 201

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KRUGER BAKER	OTP	

This bill changes the marine resources licensing laws to facilitate the expansion of the use of the transaction card system for electronic dealer reporting that was implemented in Maine's elver fishery in 2014. Specifically, it provides that an individual who holds a dealer's license may be required to obtain equipment specified by the Department of Marine Resources in order to engage in licensed activities. Additionally, it specifies that in the sea urchin and scallop fisheries the license holder must be the individual who sells the harvested product; only the license holder will be issued a transaction card.

The bill also prohibits a holder of a wholesale seafood license from dealing in scallops without the holder's obtaining from the Commissioner of Marine Resources a scallop permit, which permits the holder to buy scallops from harvesters and to sell, process, ship or transport scallops.

Enacted Law Summary

Public Law 2015, chapter 201 changes the marine resources licensing laws to facilitate the expansion of the use of the transaction card system for electronic dealer reporting that was implemented in Maine's elver fishery in 2014. Specifically, it provides that an individual who holds a dealer's license may be required to obtain equipment specified by the Department of Marine Resources in order to engage in licensed activities. Additionally, it specifies that in the sea urchin and scallop fisheries the license holder must be the individual who sells the harvested product; only the license holder will be issued a transaction card.

The law also prohibits a holder of a wholesale seafood license from dealing in scallops without the holder's obtaining from the Commissioner of Marine Resources a scallop permit, which permits the holder to buy scallops from harvesters and to sell, process, ship or transport scallops.

LD 1233 An Act To Improve Enforcement of Maine's Marine Resources Laws

PUBLIC 172

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS KUMIEGA	OTP-AM	S-109

This bill amends the laws governing the enforcement of the marine resources laws in the following ways.

1. It specifies that notices of penalties and hearings are deemed received three days after they are mailed.
2. It authorizes the Commissioner of Marine Resources to deny the renewal of a license for an elver harvester or elver dealer who has not paid a pecuniary gain fine assessed to that harvester or dealer for buying or selling elvers in excess of that harvester's or dealer's quota.
3. It amends the consent to inspection provision to allow covert electronic surveillance by the Bureau of Marine Patrol, including allowing the bureau to place electronic surveillance equipment on lobster vessels for the purpose of determining if a lobster and crab fishing license holder is fishing over the trap limit.

Joint Standing Committee on Marine Resources

4. It imposes a time limit of up to 60 days for an administrative hearing on a license suspension to be held.
5. It changes the penalty for scrubbing egged lobsters from a one-year license suspension to license revocation.
6. It specifies that notice of failure to comply with monthly reporting requirements must be by mail or by serving the notice in hand and not by e-mail or telephone.

Committee Amendment "A" (S-109)

This amendment strikes the portion of the bill that provides authority for a marine patrol officer to use covert electronic surveillance to inspect watercraft or vehicles used in a licensed marine resources activity.

This amendment also provides authority for the Commissioner of Marine Resources to sell general merchandise to support the Bureau of Marine Patrol.

Enacted Law Summary

Public Law 2015, chapter 172 amends the laws governing the enforcement of the marine resources laws in the following ways.

1. It specifies that notices of penalties and hearings are deemed received three days after they are mailed.
2. It authorizes the Commissioner of Marine Resources to deny the renewal of a license for an elver harvester or elver dealer who has not paid a pecuniary gain fine assessed to that harvester or dealer for buying or selling elvers in excess of that harvester's or dealer's quota.
3. It imposes a time limit of up to 60 days for an administrative hearing on a license suspension to be held.
4. It changes the penalty for scrubbing egged lobsters from a one-year license suspension to license revocation.
5. It specifies that notice of failure to comply with monthly reporting requirements must be by mail or by serving the notice in hand and not by e-mail or telephone.
6. It provides authority for the Commissioner of Marine Resources to sell general merchandise to support the Bureau of Marine Patrol.

LD 1262 An Act To Authorize Tribal-state Memoranda in the Eel and Elver Fisheries

**Accepted Majority
(ONTP) Report**

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

This bill authorizes the Commissioner of Marine Resources to enter into a memorandum of agreement with the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians regarding the management of commercial fishing in the eel and elver fisheries.

This bill requires the commissioner to report the terms of a memorandum of agreement to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The committee may report out a bill to the next regular session of the Legislature after the session in which the report is received to make any necessary statutory changes in response to the agreement.