

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> 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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# STATE OF MAINE

127<sup>TH</sup> 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 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.

*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 127<sup>th</sup> 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*

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.

*Joint Standing Committee on Marine Resources*

The end of the elver fishing season is extended from May 31st to June 7th.

Public Law 2016, chapter 391 removes the provision of law that prohibits the taking of elvers from noon Friday to noon Sunday and removes the prohibition on the use of an elver fyke net to take elvers from the St. Croix River and its tributaries.

**LD 1503     An Act To Amend Lobster and Crab Fishing License Laws**

**PUBLIC 428  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W LANGLEY B	OTP-AM	H-588 S-435 BAKER L H-610 KUMIEGA W

This bill creates a new Class II limited lobster and crab fishing license, which provides the same benefits as a Class II lobster and crab fishing license except that the holder may fish up to 300 traps instead of the 800 traps allowed under a Class II license. The fee for the new Class II limited lobster and crab fishing license is \$136 for residents and \$793 for nonresidents, which is less than the fee for a resident or nonresident Class II license. Beginning January 1, 2017, this bill requires that the Commissioner of Marine Resources adopt rules establishing that the exit ratio in limited-entry lobster and crab fishing zones be based upon retired licenses only, instead of upon either retired licenses or retired trap tags.

This bill provides that a participant in the apprentice program under 23 years of age may receive a Class I, Class II, Class II limited or Class III lobster and crab fishing license and enter a limited-entry zone if the participant has received a high school diploma or high school equivalency diploma prior to attaining 23 years of age.

This bill prohibits the adoption of rules that would require a participant in the apprentice program who has registered to enter an island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. This bill also reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

This bill removes the special licensing fees for applicants who are 70 years of age or older.

**Committee Amendment "A" (H-588)**

This amendment is the majority report of the committee.

This amendment replaces the bill.

This amendment provides that a person who is under 23 years of age is eligible for a student lobster and crab fishing license if the person is attending school in accordance with compulsory attendance requirements or is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution.

This amendment provides that a person who is under 20 years of age, has completed the apprentice program and has received a high school diploma or general equivalency diploma may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone. This amendment provides that a person who is under 23 years of age, has completed the apprentice program, is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution and has been eligible for a student lobster and crab fishing license continuously since before the person attained 18 years of age may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone.

This amendment, like the bill, provides that an apprentice program may not require a person registered to enter an