

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
128TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

August 2017

MEMBERS:

SEN. JOYCE A. MAKER, CHAIR
SEN. ERIC L. BRAKEY
SEN. ELOISE A. VITELLI

REP. WALTER A. KUMIEGA III, CHAIR
REP. MICHAEL G. DEVIN
REP. ROBERT W. ALLEY, SR.
REP. LYDIA C. BLUME
REP. STEPHANIE HAWKE
REP. KEVIN J. BATTLE
REP. WILLIAM R. TUELL
REP. DAVID G. HAGGAN
REP. ABDEN S. SIMMONS
REP. PAULA G. SUTTON

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

128TH 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 128th 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 FINAL 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 128th Legislature is Wednesday, November 1, 2017. 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

LD 200 An Act To Allow Certain Municipal Shellfish Conservation Wardens To Seize and Sell Marine Organisms Taken in Violation of a Shellfish Conservation Ordinance **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMMONS A	ONTP OTP-AM	

This bill allows a municipal shellfish conservation warden who has completed the training required to make arrests to seize and sell any marine organism taken in connection with an alleged violation of a shellfish conservation ordinance. The proceeds of the sale must be held pending disposition of the proceedings against the alleged violator, at which time the proceeds must either be returned to the person or retained by the municipality to use in connection with its shellfish conservation program.

Committee Amendment "A" (H-172)

This amendment is the minority report of the committee. This amendment replaces the bill. The amendment expands upon the provisions of the bill and provides that a municipal shellfish conservation warden may seize and sell shellfish under certain circumstances pursuant to a libel proceeding.

This amendment was not adopted.

LD 201 An Act To Provide Flexibility in the Purchase of Lobster and Crab Trap Tags **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	ONTP OTP-AM	

This bill adds an exception to the lobster and crab fishing trap tag limits, allowing a holder of a Class I, Class II or Class III lobster and crab fishing license to purchase up to the maximum number of trap tags the license holder purchased under that license in any previous year.

Committee Amendment "A" (H-105)

This amendment is the minority report of the committee. This amendment allocates \$50,000 to cover a one-time cost of programming and development changes necessary to implement the provisions of the bill, which allows lobster license holders to vary the number of lobster trap tags they purchase each year.

This amendment was not adopted.

LD 202 An Act To Abolish Municipal Shellfish Ordinances **Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMMONS A		

Joint Standing Committee on Marine Resources

This bill eliminates the authority of a municipality to adopt a shellfish conservation program and ordinance and prohibits a municipality from adopting or enforcing an ordinance that regulates shellfish, provides protection from shellfish predators or authorizes municipal officials to open and close flats.

LD 233 An Act To Establish a Statewide Scallop Harvesting Limit and Extend the Scallop Season ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	ONTP	

This bill creates a 90-pound per day, per person harvesting limit on scallops and adds a calendar week to the scallop season.

LD 286 An Act To Promote and Encourage the Sustainability of the Elver Fishery PUBLIC 250

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMMONS A MAKER J	OTP-AM	H-426

This bill sets at 425 the number of elver fishing licenses issued each year, not including licenses issued to federally recognized Indian tribes. The bill requires the Commissioner of Marine Resources to hold a lottery for elver fishing licenses through which a person who did not possess an elver fishing license in the previous year may become eligible to obtain one. The bill establishes a minimum allocation of elver quota to each elver fishing license holder of four pounds, unless that amount causes the State to exceed its overall annual quota set by the Atlantic States Marine Fisheries Commission. The bill requires the commissioner to adopt rules that provide a method for redistributing quotas allocated to deceased elver fishing license holders or license holders who for another reason will not fish those quotas.

Committee Amendment "A" (H-426)

This amendment allows the Department of Marine Resources to charge the holder of an elver fishing license an annual fee not to exceed \$35 for an elver transaction card. The amendment allows an applicant to the elver fishing license lottery to submit up to five applications per lottery year. The amendment removes the requirement in the bill that the Commissioner of Marine Resources hold an elver fishing license lottery each year. The amendment removes the provision of the bill that allocates at least four pounds of elver fishing quota to each license holder. The amendment increases the fees for all elver fishing licenses. The amendment removes the provision in the bill that requires rules regarding elver fishing quotas to provide a method for redistributing quota that will not be fished; that authority exists in current law. The amendment defines "bulk pile" for the purposes of the law on the seizure of illegally harvested elvers as all elvers in the possession of a harvester or dealer who fished for, took, bought or possesses elvers in violation of any law or rule regulating elvers. The amendment removes the requirement in the bill that the commissioner issue 425 elver fishing licenses each year and instead allows the commissioner to issue up to 425 licenses. The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 250, requires the Commissioner of Marine Resources to hold a lottery for elver fishing licenses through which a person who did not possess an elver fishing license in the previous year may become eligible to obtain one. although it does not require the commissioner to hold the lottery every year. Public Law 2017, chapter 250 allows an applicant to the elver fishing license lottery to submit up to five applications per lottery year. Public Law 2017, chapter 250 allows the commissioner to issue up to 425 licenses each year, allows the