

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE

128TH 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 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

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

Joint Standing Committee on Marine Resources

commissioner to charge the holder of an elver fishing license an annual fee not to exceed \$35 for an elver transaction card, and increases the fees for all elver fishing licenses. Public Law 2017, chapter 250 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.

LD 287 Resolve, Prohibiting the Commissioner of Marine Resources from ONTP
Adopting or Enforcing Certain Rules Limiting the Quantity of Smelts a
Person May Take from the Coastal Waters of the State until after
Completion of a Study

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J	ONTP	

This resolve prohibits the Commissioner of Marine Resources from adopting or enforcing a limit on the quantity of smelts a person may take from the coastal waters before the Department of Marine Resources conducts a study of the smelt population in the State's coastal waters and presents its findings to the joint standing committee of the Legislature having jurisdiction over marine resources matters.

LD 369 An Act To Establish the Seaweed Fisheries Advisory Council and To PUBLIC 52
Enhance the Management of the Seaweed Fishery

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM	H-34

This bill establishes the Seaweed Advisory Council to advise the Commissioner of Marine Resources and the joint standing committee of the Legislature having jurisdiction over marine resources matters on matters of interest to the State's seaweed industry.

Committee Amendment "A" (H-34)

This amendment is the majority report of the committee. The amendment renames the Seaweed Advisory Council, as it is named in the bill, the Seaweed Fisheries Advisory Council. It also adds a member who harvests seaweed and a member of the public to the council. The amendment removes the requirement that the council make recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters and removes the provision in the bill that allows the chair of the council to call meetings of the council.

Enacted Law Summary

Public Law 2017, chapter 52 establishes the Seaweed Fisheries Advisory Council to advise the Commissioner of Marine Resources on matters of interest to the State's seaweed industry.

LD 370 An Act To Improve Productivity in Authorized Municipal Shellfish Accepted Majority
Conservation Areas with Predation Protection Measures in Place (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DOW D	ONTP OTP-AM	

This bill allows a municipality to designate in its municipal shellfish conservation ordinance conservation areas that surround protective netting, fencing, traps or other gear placed by the municipality in the intertidal zone where