

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<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 2017

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# STATE OF MAINE

128<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 128<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 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 128<sup>th</sup> 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.

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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 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      ONTP**

<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 Enhance the Management of the Seaweed Fishery      PUBLIC 52**

<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 Conservation Areas with Predation Protection Measures in Place      Accepted Majority (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

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harvesting any marine organism is prohibited. The designated conservation area must be clearly marked with signs that identify the municipality that designated the area and indicate the purpose of the designated area. Current law imposes certain fines upon municipal shellfish license holders who harvest shellfish from an area closed for conservation purposes. This bill amends that provision to impose certain fines on municipal shellfish license holders and nonlicense holders who harvest any marine organism from an area closed pursuant to a municipal shellfish conservation ordinance.

**LD 373      An Act To Create Pathways To Enter Alternative Marine Industries      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to allow a person who has completed a lobster and crab fishing apprenticeship to enter a lottery to be allowed to engage in scallop harvesting in the lobstering off-season.

**LD 392      An Act Regarding Legal Lobster Haul Times outside of the 3-mile Line      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W	ONTP	

This bill allows a person who holds a State-issued lobster and crab fishing license who has declared the easternmost lobster management zone as that person's declared lobster zone and who holds a federal permit to fish for lobster to raise or haul a lobster trap during any time of day and on any day of the year seaward of the State's territorial waters.

**LD 431      An Act To Ensure Participation and Equity in the Shellfish Depuration Certification and Compensation Process for Municipalities      ONTP**

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

This bill amends the laws concerning the shellfish depuration harvesting process to clarify communication between the Department of Marine Resources, municipalities, depuration certificate applicants and holders and licensed commercial shellfish harvesters during the certification process. It also raises the rate of reimbursement paid to the municipality by the depuration certificate holder from 50¢ for each bushel of soft-shelled clams to 25% of the current market value for each bushel. The bill establishes a penalty for noncompliance with any provision of the law regulating the soft-shelled clam depuration harvesting process; a depuration certificate holder found by the department to be in noncompliance is prohibited from engaging in depuration activities under this subsection for a period of one year from the date of the department's finding.